



Government of the Republic of Trinidad and Tobago  
Ministry of Rural Development and Local Government

## TRANSITIONING OF LOCAL GOVERNMENT

# DRAFT POLICY



OCTOBER 2016

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## Foreword

The process of Local Government Reformation and Modernisation under the People's National Movement Government, signals an important pathway. The Government of the Republic of Trinidad and Tobago views the Local Government system as a highly accountable and responsive organisation, grounded in the business, environmental, cultural, educational, and social communities. We are closest to our citizens' and burgesses' needs. Local Government is therefore, not just simply an agent of central government; it is in its own right an innovative leader of the economic growth of the country across all sectors of society. The reformation and modernization of the Local Government system has been on the political agenda for over **twenty five (25)** years, although real progress in meaningful change has been limited to date. It is now time for action.

As such, we embrace the diverse opportunities presented by the challenges to respond creatively in developing and establishing institutional structures, systems and processes at the Local Government level that can facilitate more effective quality service delivery, viable sustainable communities and balanced regional development.

The Ministry of Rural Development and Local Government shares the belief that Local Government should be given more, rather than less, responsibility and authority; and as such, a re-energized platform for Local Government reform has been introduced with an objective to create a modern, efficient and properly resourced Local Government system. This renewed interest in the Local Government Reformation and Modernization Programme (LGRMP) charts a course for the future of sustainable development. It is based on ambitious goals which, with the whole-hearted support of key stakeholders and staff, are achievable. Local Government is a significant player in the economic development of this country. Its role is often undervalued, but, its contribution is immense.

Some of the key elements of the reformation accord are:

- *Corporate Restructuring of the Ministry of Local Government and Municipal Corporations*
- *Human Resource Development and Institutional Restructuring*
- *Local Area Regional Planning and Development*
- *Information and Communications Technology (ICT) and Communications*
- *Waste Resource Management*

- *Disaster Preparedness and Management*
- *Municipal/Community Policing*
- *The development and establishment of standards and monitoring and evaluation mechanisms.*

These strategies and more, call for ever closer coordination with government ministries and other vital organizations. The Programme addresses all these issues in a logical, systematic and comprehensive manner through its outcomes and outputs. Of course no plan is ever perfect, and this one will be monitored and reported on throughout the period on a regular basis, so that corrective action can be taken should the need for that arise.

I am now inviting Local Government authorities to work in partnership with me, in the fulfilment of a covenant between the Government and the people, to mutually work towards the improvement of the quality of life of citizens through the delivery of quality public services and amenities, which are compatible with local needs and expectations.

**SENATOR THE HONOURABLE FRANKLIN KHAN**  
**Minister of Rural Development and Local Government**

## Executive Summary

As outlined in the People's National Movement Manifesto which has become policy, Government's vision for Local Government is to remove all of the red tape and bureaucracy that prevent Local Government bodies from doing their work in an effective and efficient manner. This policy outlines Government's vision to give some level of autonomy to Municipalities thereby entrusting them with Executive Authority to manage and govern their affairs similar to that enjoyed by the Tobago House of Assembly (THA).

This document is divided into six (6) sections. Section 1 provides an historical overview of Local Government Reform in Trinidad and Tobago. This part reviews post-independence initiatives and challenges, especially at the implementation stage. It describes Local Government reform initiatives worldwide and in particular, a review of the THA model.

Section two (2) provides an evaluation of the Current Local Government System and Government's vision for an effective Local Government System. Furthermore, this section outlines the need to address productivity issues and the importance of Information and Communications Technology (ICT) both in the management of the daily operations of Municipalities and citizen participation.

Section three (3) focuses on the expanded responsibilities to be undertaken by Local Government bodies. These include Municipal Police, Disaster Preparedness, Planning and Building Inspectorate, Public Health, Cemeteries and Crematoria.

Section four (4) outlines the new responsibilities and governance system for the Municipal Corporations, which include, inter alia, Executive Authority, Secure Funding, Economic Research and Planning, Social Service Delivery, Repair and Maintenance of Schools and Public Buildings.

Section five (5) outlines the Human Resource and Legislative considerations for the effective transitioning to the new Local Government model and the importance of the Trinidad and Tobago Association of Local Government Authorities (TTALGA).

Section six (6) outlines the conclusion, which notes that Local Governance is the democratic process that brings governance closer to the people. It emphasises that Local Government should be seen as the voice of the people and as such, people participation is paramount for Local Government to succeed.



# **1. 0 Background**

## **1.1 Historical Overview of Local Government Reform**

Trinidad and Tobago gained independence on 31<sup>st</sup> August 1962 and the first attempt at Local Government reform in the post-independent era was assigned to the Sinanan Committee in 1965. Its main recommendations were: the need for a greater role and prominence of Local Government in the democratic and development processes; the decentralisation of key functions to Local Government bodies; and the empowerment of communities to play more meaningful roles in the management of their assets.

One of the notable changes that took place emanating from the Sinanan Committee's recommendations was the enactment of the County Councils Act, 1967. This Act redefined the roles and functions as well as consolidated the executive positions of the seven County Councils: St. Patrick, Victoria, Nariva / Mayaro, St. George, St. Andrew / St. David, Caroni and Tobago.

The second attempt at reform commenced in 1974 with the appointment of the Hugh Wooding Constitution Commission to address the issue of Constitutional Reform, both at the local and central government levels. This Commission recommended the devolution of significant powers and authority to Local Government Authorities. These included responsibility for maintenance of schools, specified public buildings, cleaning of beaches, providing facilities for fisheries and greater autonomy to control funds appropriated by Parliament. However, the Central Government's only implementation of the recommendation was a division of the St. George West County into St. George East and West in 1980.

In 1983, there was another attempt by the People's National Movement (PNM) administration where a Draft Policy Paper on Community Development and Local Government Reform was published for public comment. It articulated that Local Government Authorities would be a partner in the national development process, through enhanced participation in national policy-making, community development and development planning. It also proposed a National and an Area Advisory Committee to accomplish these objectives. However, there were virtually no meaningful mechanisms to promote greater autonomy of Local Government Authorities in the management of their affairs.

In 1987, the then National Alliance for Reconstruction (NAR) Government captured the majority of Local Government Bodies in the elections held that year, and thereafter signalled its intention to undertake sweeping Local Government reform. Two years later, it produced a policy document – The Decentralisation Process, Regional Administration and Regional Development – Proposals for Reform 1989-1990. The document outlined fundamental changes in the institutional, structural, organisational, functional and operational frameworks of Local Government as well as its role in regional development and promised an enhanced local financial autonomy or revenue base. Indeed, its philosophical underpinnings were devolution of power, authority and responsibility. After public discussions thereon, a Bill was drafted, debated and passed in Parliament in 1990: The Municipal Corporations Act No. 21 of 1990 (MCA) and proclaimed in 1991.

The MCA consolidated all the available pieces of Local Government legislation, created two (2) cities, three (3) Boroughs (with Chaguanas being a new Borough) and thirteen regions. It also introduced the concept of corporate governance in Local Government, and significantly expanded Local Government's functional base, including revenue raising and an enhanced role in the regional coordination of public service delivery. This attempt was the only one that was taken to its logical conclusion in the form of legislation to give effect to policy. When the People's National Movement returned to office in 1991 and with its success at the 1992 Local Government elections, the MCA was amended by Act No. 8 of 1992, to now reflect two (2) cities, three (3) boroughs and nine (9) regions.

The next major attempt at reform was in 2002 under the People's National Movement (PNM), which engaged in extensive consultation throughout all Municipalities. Subsequently several policy documents were developed. These included: a Green Paper (2004); a Draft White Paper (2006); a Green Paper on Roles and Responsibilities (2008); and a Draft White Paper (2009). Bills were also prepared with the latest version being the Local Government Bill, 2010.

Another attempt at reform took place after May 24, 2010, under the UNC-led coalition government. This attempt continued with further public consultations and resulted in the Draft White Paper on Local Government Reform 2013.

## **1.2 Comparative analysis of Local Government models**

An analysis has been done of Local Government systems practiced in different parts of the world and some of these countries, like Trinidad and Tobago, are in the process of reforming their systems. Hereunder is a synopsis of models in the United Kingdom and Jamaica as well as our sister isle, Tobago.

### **1.2.1 United Kingdom**

The British Local Government system has seen changes in at least two tranches in the 1980s. During the Margaret Thatcher era, the government sought to curtail the powers of the local authorities and strengthen its top-down grip over them. One of the attempts was to ‘cap’ the traditional property tax and replace it with a ‘poll tax’ (a largely flat rate per capita tax), which was aimed at doing away with the local discretion on local spending which was at the heart of the traditional Local Government model. Another significant change was the cutting back of the functional scope of Local Government, where a number of functions have been transferred from elected local Councils to special purpose agencies and organisations.

The New Labour Government under Tony Blair sought to implement performance management systems: two such measures are the ‘Best Value’ and the ‘Comprehensive Performance Assessments’. The Best Value regime required Councils to make arrangements to secure continuous improvement in the way they undertake all their service responsibilities. The Secretary of State has wide-ranging powers to intervene where a local authority is judged by inspectors not to be delivering a best value service. Comprehensive Performance Assessments were designed as a more coherent and integrated system of performance measurement in which all local Councils are assigned, on the basis of Audit Commission-directed inspection and assessment, to one of five performance categories. The higher performers were rewarded with ‘additional freedoms’ and funding, while the poor performers were penalised. Overall, these measures are ways for Central Government to impose on the local authorities a degree of centralist guidance and control, which is an indication that citizen participation at the local level was not taken into consideration.

### 1.2.2 Jamaica

Regionally in Jamaica, the Local Government Reform Programme (LGRP) was launched in 1995 and there have been many notable successes, which include, inter alia, financial reform, legal reform, and service delivery. The following are some highlights of these achievements:

- a) Financial Reforms - The excessive financial dependence of Local Authorities has been significantly reduced – i.e. the percentage of revenue which Councils derive in the form of grants from Central Government has declined from over ninety per cent (90%) to less than forty percent (40%) as of 2003/ 2004. This was accomplished through the creation of the Parochial Revenue Fund (PRF) and allocation of new tax types to Local Government, as well as by empowering and assisting Councils to optimise the yield from locally sourced revenues, and to adopt innovations in this regard.
- b) Legal Reforms - Between May and July 2015, legislation was passed in both the House of Representatives and the Senate to entrench local governance in the Constitution, whereby local authorities are given the ability to perform regulatory functions to facilitate the management, improvement and development of resources of local communities. It also allows Parliament to make provision for local authorities to generate and spend their own revenue and to provide for the holding of Local Government elections. Over twenty (20) Acts and numerous Regulations have been amended and several new ones promulgated in 2016, giving more autonomy and flexibility to Councils, enhancing revenue generation, adjusting penalties, and removing deficiencies in the laws; as well as introducing innovations such as affording major urban centres the right to obtain Municipal status, direct election of Mayors, and legal status for citizens advisory Councils. In fact, in 2016 Jamaica's Parliament enacted three (3) pieces of legislation to govern the Local Government system in Jamaica. These are:
  1. The Local Governance Act, 2016
  2. The Local Government (Unified Service and Employment) Act, 2016
  3. The Local Government (Financing and Financial Management) Act 2016
- c) Institutional Strengthening/ Capacity Building – Achievements in this regard include:
  - Substantial upgrade of the organisational structure and staff complement of Councils;
  - Extensive staff training and development;

- Establishment of parity between comparable central and Local Government positions;
  - Computerisation of several of the operations/ activities of Councils;
  - Review of the business processes used by Councils in delivering services.
- d) Services Upgrading - There have been significant improvements in several aspects of service delivery, infrastructure management, and the conduct of regulatory functions for which Local Authorities are responsible. Illustrations of such improvements include:
- The progress made by most Councils in enforcing civic order;
  - A substantial reduction in the processing time for building applications;
  - Cleaning and maintenance of Parish Council drains and road; and
  - The assumption of a lead role, by many Councils, in preparing local sustainable plans for their jurisdictions.

### **1.2.3 Tobago House of Assembly**

The County Council Act of 1967 enacted seven county Councils within the unitary state of Trinidad and Tobago of which one was the island of Tobago. Over time, the people of Tobago became disenchanted with the level of internal governance and agitated for a change to afford them the opportunity to self-determine the future development of the island while remaining firmly within the unitary state of Trinidad and Tobago.

In 1977, the representatives for Tobago in the Parliament of Trinidad and Tobago made a compelling case in debating a motion for internal self-government which was supported by the then Peoples' National Movement (PNM) Government. Legislation was later drafted and enacted, creating the Tobago House of Assembly (THA) Act of 1980.

To entrench the THA, an amendment to the Constitution was made and the 1980 THA Act was repealed and replaced by the THA Act of 1996. The constitutional arrangements and the 1996 Act which are currently in force provide for an Executive Council of the THA in the Constitution. Recognising that true devolution for Tobago could only occur if the island was able to formulate and implement policies in relation to its own affairs, the THA Act created for Tobago a method of self-governance which enables

the THA to be responsible for the formation and implementation of policy for the matters identified in the Fifth Schedule. The 33 matters listed under the Fifth Schedule of the THA Act include *inter alia*:-

- Tourism
- Agriculture
- Fisheries
- Food production
- Town and Country planning
- Infrastructure (including sea and air transportation; wharfs and airports; and public utilities)
- The environment
- Customs and Excise
- Health services
- Education (including curriculum)
- And such other matters as the President may assign to the THA

To further give the THA the autonomy it desired, it was felt that financially a method of allocating monies from the Consolidated Fund, different from that which obtains for a Ministry, should be placed in the legislation. As such the THA sets its budget, and sends the proposal to the Central Government which appropriates the sum to the THA Fund established in the THA Act. After years of debate as to the quantum to be allocated to the THA, the Dispute Resolution Commission proposed, with regard to the financial relationship between the THA and Central Government, that an allocation of between 4.03% and 6.9% of the national budget be made available to the Tobago House of Assembly.

Additionally, since the Exchequer and the Audit Act requires that an organisation which receives monies from the Consolidated Fund must be administered by an Accounting Officer who is a public officer, the Chief Administrator of the THA is a public officer under the Act.

It is not to say, however that the THA Act is meeting all the needs of the THA. While the THA is named as a receiver of revenue under the Act it is not a collector of revenue and as such it can collect revenue on behalf of the state but not spend it. Furthermore, while unexpended balances are not required to be returned under the Exchequer and Audit Act, it can only be spent on Capital expenses.

## 2.0 Evaluation of the Current Local Government System

Over the years, several bodies have done appraisals on the Local Government system in Trinidad. In 2002 and 2003, Market and Opinion Research International (MORI) conducted an opinion survey on the performance of Local Government. The findings suggested that citizens were unhappy with key services provided by the Regional Corporations. Some areas of concern include poor drainage, flooding, lack of adequate street lights and recreational facilities.

According to a report done by Aegis Management Solutions Limited – Building Capacity, Strengthening Institutions and Delivering Exceptional Service, the Local Government system is complex and there are several over-laps and parallel sub-systems. The report states that:

*‘Throughout the system, evidence of duality exists which add additional layers of complexity:*

- *Political and administrative arms that have parallel lines that only relate to each other at the highest levels,*
- *Informal systems, processes and relationships are used to ‘get around’ formal systems that no longer work,*
- *Parts of the system operate in dual capacity – for instance, Municipal Corporations both manage the delivery of services and also deliver services themselves,*
- *The existence of a bi-partisan system which is manifested through “pro-government” Council or “anti-government” Councils*
- *Two forms of employment – contract officers as distinct from the public officers, and*
- *Municipal Corporation and Special Purpose State Enterprises or Companies.’*

Further to the appraisals given above, an analysis of the current system demonstrates that there are major impediments, which prevent Local Government Bodies from being able to deliver goods and services to the public in an efficient, timely and cost-effective. These include:

- Political interference and manipulation
- Inadequate funding
- Inadequacy of the current legislation
- The sluggish administrative structure facilitating unnecessary bureaucracy
- Lack of productivity

This Administration proposes to address the above impediments in such a way that Municipal Corporations will be afforded more responsibilities, resources and the required autonomy through regulations to be able to discharge their responsibilities in a manner that is most beneficial to the public.

At present, the Local Government Bodies have the responsibility for the following:

- 1) Construction and maintenance of local roads and bridges;
- 2) Construction and maintenance of minor drains and minor water courses;
- 3) Local health, general sanitation and rodent control;
- 4) Garbage collection and disposal;
- 5) Development and maintenance of recreation grounds, parks and public spaces;
- 6) Development and maintenance of cemeteries and crematoria;
- 7) Markets and abattoirs;
- 8) Disaster Management;
- 9) Building Inspectorate;
- 10) Municipal Police;
- 11) Collection and disposal of faecal waste; and
- 12) Distribution of truck-borne water in areas where there is no supply

## **2.1 Political interference and manipulation**

One of the anomalies in the present Local Government system is that Executive Officers who are the Chief Administrative Officers and the Chief Accounting Officers at the Municipal Corporations are mandated by Section 38 (b) of the Municipal Corporations Act No. 21 of 1990 to see that the business of the Corporations is carried out in accordance with the byelaws, regulations and resolutions of Council.

However, they are also answerable to their principal at the Ministry of Rural Development and Local Government, who is the Permanent Secretary. This affords the Minister if he/she so desires the ability to intervene and interfere with the day-to-day operations of any Corporation which is sometimes treated as a department of the Ministry.



At times, the unfortunate may occur should the Council raise objection to the manipulations of the Minister, release of funds is sometimes withheld.

This Government therefore proposes that Council be afforded executive authority and that the Ministry of Local Government be retired, thus removing the temptation of ministerial control and the manipulation of Municipal Corporations.

## 2.2 Inadequate funding

Most, if not all, Municipalities and Regional Corporations have encountered challenges in obtaining the necessary funding to undertake their daily operations and long term planning. These financial setbacks have also made it quite difficult to alleviate the problems of their respective burgesses. In some cases, funding is not forthcoming from Central Government and, when subventions are approved they are not always received in a timely manner. It has now become necessary, if not imperative, that a new arrangement be put in place so that Municipal Corporations can acquire the necessary funding, in an efficient manner, to cover their annual budgets and achieve their long term development goals.

## 2.3 Inadequacy of the current legislation

There are various pieces of legislation that are antiquated and require amendment. These include, inter alia:

1. **Municipal Corporations Act, Chap. 25:04** - This enactment is the primary legislation currently governing the operations of all Municipal Corporations. Since there are a number of areas identified as deficient there is a need to make amendments in those areas. These include amendments to –
  - (a) Part II -Constitution and Government of Municipal Corporations;
  - (b) Part III- Municipal Police Service;
  - (c) Part IV- Meetings and Proceedings of the Council of a Corporation;
  - (d) Re-insertion of Part V or some form of Part V which deals with the house rate book;
  - (e) Part VI- Financial Provisions;

- (f) Part VII- Streets and Buildings;
- (g) Part VIII- Markets and Slaughterhouses;
- (h) Part IX – Pedlars, Hawkers and Hucksters;
- (i) Part X- By-laws, Rules and Regulations;
- (j) Part XI – Legal Proceedings;
- (k) Part XII – Miscellaneous Functions;
- (l) Part XIII -Association of Local Government Corporations;
- (m) Part XV – Regional Co-ordinating Committees; and
- (n) Part XVI – General Provisions;

**The contents of the amendments to the above Parts of the Act are detailed in Appendix G.**

2. **The Constitution, Chap. 1:01** - Currently Municipal Police are appointed, disciplined and terminated either by the Statutory Authorities Service Commission or the Public Service Commission. It has been recommended that the Municipal Police Officers should be appointed, disciplined and terminated by the Police Service Commission. The Police Service Commission, like the Public Service Commission and the Statutory Service Commission, is a creature of the Constitution. If the decision is made to move the Municipal Police from under the Statutory Services Commission or the Public Services Commission to the Police Services Commission it would necessitate a direct amendment to the Constitution.
  
3. **Burial Grounds Act, Chap. 30:50** - This enactment which dates back to 1919 requires updating of penalties which are at a maximum of one thousand dollars Trinidad and Tobago dollars (TT\$1,000.00). In fact some application fees are as low as five Trinidad and Tobago dollars (TT\$5.00). The Act does not recognise the new paradigm of the Regional Corporations and only speaks to the Minister making Regulations for burial grounds that are not within a City or Borough. Cities and Boroughs are also empowered under the Act to regulate all burial grounds within the respective boundaries. It is necessary to ensure that all of the Municipalities operate under the same rules and regulations. With respect to Regulations made under this Act, there are also a number of consequential amendments that have to be made including the low penalties which are at the maximum seventy-five Trinidad and Tobago dollars (TT\$75.00).

4. **The Cremation Act, Chap. 30:51** - This Act was enacted in 1953 and is another antiquated Act with its last amendments being done in 1986. Its provisions are of general application so as to encompass the role of the Corporations. However, minor amendments are required to reflect the role of the Corporations.
5. **The Public Health Ordinance, Chap. 12 No. 4** - A great number of matters to be performed within the Municipalities are required under the Public Health Ordinance. This has proven to be quite difficult for the Corporations with respect to the delivery of a number of services in the Municipalities.

Discussions have been conducted with the Ministry of Health have been conducted to determine what functions may be transferred to the Corporations as this will require amendments to the Public Health Ordinance.

6. **The Police Complaints Authority Act, Chap. 1505** - It has been recommended that the Municipal Police Service be brought under the jurisdiction of the Police Complaints Authority. The Police Complaints Authority Act empowers the Police Complaints Authority to conduct investigations into complaints made against police officers. In order to give the Police Complaints Authority the jurisdiction to investigate complaints against Municipal Police Officers, the Police Complaints Authority Act needs to be amended.

## 2.4 Sluggish administrative structure

The current administrative structures and job descriptions of the various Municipal Corporations are those which would have been drafted and approved many years ago, in line with the needs of the Corporations at that time. The inability of the Service Commissions Department to fill vacant positions efficiently and effectively has also taken a toll on the Corporations' staffing. There is an immediate need to review and revise the structures, staffing and job descriptions of the Municipal Corporations. There is also a need for standardisation of structures and job descriptions.

Training and re-training of managers, supervisors and other officers will also be necessary in an effort to ensure adequate competency in their various capacities.

The Executives and the Administrations must be held responsible and accountable for the performance of their Corporations. They must demonstrate the will to improve productivity and while adhering to strict industrial practices, sanctions must be taken against persons who fail to carry out the duties for which they are paid. If this particular concern is not addressed urgently, once the reform is implemented, which will bring with it additional responsibilities to Local Government bodies, it will further exacerbate the problems and distresses now faced by the public.

## **2.5 Government's vision for an effective Local Government system**

Local Government in Trinidad has been burdened over the years with complaints of inefficiency and poor delivery. There is a widespread perception that Local Government bodies fail to provide goods and services to the public in a timely and cost efficient manner. This Administration believes that an effective Local Government is viewed as an essential component in a people-centred development, especially at the community level. Having reviewed Local Government systems worldwide, including the model of local governance as practiced in our sister isle of Tobago, it is the considered opinion of this Administration, that the reformation of the Local Government system in Trinidad is inevitable and that Local Government bodies should be given more, rather than less, responsibilities commensurate with the corresponding authority.

## 3.0 Expansion of existing Local Government responsibilities

Within this Government's policy for Local Government Reform there are some areas of responsibility presently under the jurisdiction of Local Government bodies that will be expanded and given additional responsibilities. These areas are as follows:

### 3.1 Public Health

As mandated by the existing Municipal Corporations Act, No. 21 of 1990, Municipal Corporations are responsible for the maintenance, control and enhancement of the physical environment as well as garbage collection, disposal and waste management. Trinidad and Tobago has experienced significant growth in the generation of waste. Increasing population, industrial expansion, urbanization, changing lifestyles and increasing affluence are some of the main reasons for this increase. Inadequate infrastructure, a fragmented legal framework and improper disposal of waste has led to a series of chronic environmental, public health and public safety issues. More than fifty percent (50%) of the recurrent expenditure in the Municipal Corporations is now being spent on public health and environmental issues.

It is imperative that the system of solid waste management be addressed and reformed to improve the quality of life of the population. The Municipal Solid Waste Management System in Trinidad must be modernized as part of a strategy to reform the delivery of services. The Municipal Corporations must provide a healthy, clean, safe, serene and eco-friendly environment for its burgesses to live, work and recreate thus encouraging healthy lifestyles within communities. The Corporation should be seen as the vehicle to encourage and support innovative, creative and environmentally-friendly approaches to solid waste management.

The Municipal Corporation should form the mechanism by which effective and efficient support structures and systems are discharged on matters that relate to public health responsibilities assigned to Local Government bodies. Municipalities should continue to focus on, *inter alia*, the responsibilities of:

- Collection and disposal of garbage from public and private properties;
- Provision of chemical treatment for insect, vector and rodent control as well as the fumigation of premises;
- Issuing of food badges and licenses for food premises;

- Removal of faecal waste from public and private property;
- Abatement of public nuisances in accordance with the Public Health Ordinance;
- Distribution of truck-borne water in areas where there is no pipe-borne supply;
- Monitoring of the quality of food sold at restaurants and other establishments;
- Development and implementation of public education programmes;
- Facilitation of the delivery of programmes geared towards reducing the spread of communicable and food-borne diseases, and maintaining a sanitary environment;
- Identification, development and maintenance of adequate green and clean open spaces within communities inclusive of agricultural access roads, beaches and savannahs;
- Partnership with the private sector and community groups in developing initiatives to promote clean air, eliminate slums, restore hillside vegetation, and other environmentally-friendly practices as well as the preservation, development and restoration of heritage sites;
- Support and encouragement of school-based projects focusing on environmental sustainability
- Expansion of the Litter Warden programme; and
- Provision of technical assistance to community-based organisations and non-governmental organisations willing to utilise the Green Fund.

In addition to the above, the Municipal Corporation undertakes additional public health responsibilities in the interest of public safety, such as:

- Clearing of vacant lots – there are a number of privately-owned lots which have become a public nuisance, endanger the safety of residents and as such, require clearing;
- Environmental control - provision must be made in the Act for the inclusion of Litter Prevention Wardens who will be responsible for policing the communities to ensure that persons comply with litter laws and that communities within their municipalities remain clean;
- Dangerous Dogs - The passage of the Dangerous Dog Act gave Local Government bodies the responsibility for the implementation of the legislation. Up to this time, the Ministry of Rural Development and Local Government has not put any measures in place to allow for the implementation of the Act, therefore provision will now have to be made for its implementation. This will require the construction of dog pounds, and the hiring and training of relevant staff to deal with dogs considered as dangerous.

- Owners of garages and scrap yards must apply to the respective Municipal Corporations based on the area in which they wish to operate for a license to operate. The Municipal Corporations will have to establish operating standards as only registered garages and scrap yards will be allowed to operate.

New policies and programmes for effective public health and environmental management issues need to be developed. Municipal Corporations must keep abreast of global trends as it relates to thinking green and promoting sustainable environmental initiatives. A review of the organisational structure and human resource capacity needs to be conducted. Many Corporations lack the specialised divisions and sub-units as well as the accompanying system of a modern health department, to meaningfully undertake this process. The Human Resource capacity is woefully inadequate at some Municipal Corporations which may have only one or two Public Health Inspectors to execute a myriad of projects

### **3.2 Municipal Police**

This Government is committed to working with all sectors of the national community whose desire is to arrest and significantly reduce the incidents of crime and criminal activity in this country. This scourge in crime has no political boundaries and therefore a structured but multi-pronged approach must be employed to deal with this issue.

One of this Government's approaches is the commitment to the expansion of the police force with a maximum of one hundred (100) Municipal Police Officers in each of the Municipalities. The increase in the Municipal Police Force will facilitate the corresponding expansion in their responsibilities. Therefore, one will appreciate that the management of this department will be key to its success, hence critical thought will be given to developing the structure of the department as well as the reporting model to be followed. Due consideration will have to be given in drafting the legislation to give effect to the operationalisation of the Municipal Police Department.

There has been some discussion about the Municipal Police under Part III of the Municipal Corporations Act. On a practical level, Corporations have complained that the Municipal Police do not fulfill their obligations and are often unwilling to carry out the directions of the Council. On the other hand, it is

also felt that the line of command for the Municipal Police needs to be clearer with the intendant statutory protections for their service while providing a mechanism for members of the public to make complaints about the exercise of their functions. The Municipal Police are presently appointed by the Public Service Commission, which also has the power to discipline and fire such officers. It is felt however, that since the Municipal Police exercise powers similar to those of the Trinidad and Tobago Police Service (TTPS) under the Police Service Act, they should be appointed in the same manner as members of the TTPS.

While the Police Service Commission under the Constitution appointed the Municipal Police officers prior to 2009, the Commissioner of Police currently appoints them. The Police Service Commission is simply an appellate body for disciplinary decisions of the Commissioner. The recommendation has however been made for the Municipal Police officers to be now appointed by the Police Service Commission. If this recommendation is accepted, it would still mean a disparity in the method of appointment between the members of the Police force and those under the Municipal Police as the Commissioner of Police appoints the members of the TTPS while the members of the Municipal Police Service will be appointed by the Police Service Commission. Furthermore, while the Commissioner of Police has the power to discipline the members of the TTPS, the members of the Municipal Police Service would have to be disciplined by the Executive.

Furthermore, any such removal of the Municipal Police from under the purview of the Public Service Commission and inclusion under the purview of the Police Service Commission would require an amendment to the Constitution. The section of the Constitution which provides for the powers of the Police Service Commission is a deeply entrenched provision requiring by section 54(2)(a) passage in Parliament by two-thirds (2/3) majority of members voting for its passage.

The recommendation to bring the Municipal Police service under the purview of the Police Complaints Authority, thereby allowing members of the public to make complaints to the Police Complaints Authority about Municipal Police officers and further empowering the Police Complaints Authority to do the necessary investigations means making the necessary amendments to the Police Complaints Authority Act, Chap 15:05. Any such amendment however, will attract the requirement for passage with a three-fifths (3/5) majority of votes in Parliament.



There is also a school of thought that members of the Police Service carrying arms and ammunition should not be made to report to a civilian. However, consideration should also be given to the model employed in the United States of America where the Chief of Police in the city of New York reports and takes instruction from the Mayor who has responsibility for the city.

In order to improve overall law enforcement and public safety and generally to assist in maintaining law and order in Trinidad, the Municipal Police in addition to protecting the Corporations' human and physical assets, will have to become more involved and have day-to-day interface with communities within their Municipalities. In so doing, the Municipal Police must collaborate effectively with the Central Police Service to implement strategies for reducing incidents of robbery, gang violence, drug use, domestic violence and juvenile delinquency in communities. Their intimate relationship with the respective communities will have a positive influence on the detection of crime and criminal activities. Therefore, the Municipal Police will be trained in mediation skills; developing, promoting and implementing strategies and programmes for public safety in local areas; and for solving neighbourhood problems including a system of neighbourhood patrols.

### 3.3 Spatial Planning and Building Inspectorate

A construction or building permit system refers to the set of laws, regulations and procedures that must be adhered to by all “building practitioners” such as builders, draughtsmen, architects, engineers, and contractors with respect to the construction or renovation of buildings. There are several components to this process. All buildings within their Municipalities must be kept and maintained to a standard as set out in the building code. The Building Inspectorate is already executing that responsibility. In addition, the intended **use** of the proposed activity must first be approved, in the context of the proposed **location**. That responsibility currently resides with the Town and Country Planning Division (TCPD), of the Ministry of Planning and Development. The process is therefore disconnected and takes place in two different locations.

### 3.3.1 The Paradigm Shift

The paradigm shift being proposed is the devolution of land use planning to the Local Government Authority. This is a key tenet of good governance. The global thrust toward maximising local economies by empowering Local Governments to efficiently manage their various programmes and budgets, requires the decentralisation of fundamental regulatory activities (like development control and planning) usually undertaken by Central Government. Many developed countries, such as England, Australia and Scotland have already taken this approach and developing countries such as Kenya are currently initiating the process.

This model of governance emphasises self-management by facilitating the mobilisation of local resources both financial and human through the active participation of local stake-holders, thus ensuring that policy direction and initiatives have the collective support and wisdom of the community. There is a realistic potential for local authorities to evolve as permanent and transparent units of the regional governmental structure, accountable to the community either directly or through Local Government. It is expected that a devolved approach to planning i.e. empowering the municipality with regional and local decision-making will achieve improved service delivery, enhanced community participation and ultimately reverse the financial dependence of Local Authorities on Central Government.

The new Planning and Building Inspectorate would be responsible for the following:

- ▶ Planning and building approvals for “simple” developments such as-
  - billboards or advertising signs;
  - outline or final planning permission not requiring a Certificate of Environmental Clearance;
  - change of use, residential or building developments or any additions thereto where the cumulative floor area with addition(s) (if any), does not exceed a gross floor area of 500m<sup>2</sup>;
  - land subdivisions, including engineering operations comprising less than twenty plots, provided that each plot falls within the range of 465m<sup>2</sup> and 800m<sup>2</sup> inclusive; and
  - engineering operations as are prescribed

- ▶ Regulations providing for codes and standards with respect to safety in relation to infrastructure and engineering works specifying acceptable design criteria for development setbacks;
- ▶ Preparation of regional and local area spatial development plans and policies in keeping with national level strategic spatial planning;
- ▶ Investigation of complaints and enforcement against planning and building breaches;
- ▶ Preservation of buildings of historic or cultural significance in collaboration with the National Trust of Trinidad and Tobago to ensure the following:
  - Listing and acquisition of heritage property;
  - Permanently preserving heritage sites in the most feasible manner, and retention of their natural features;
  - Repairing, maintaining, or arranging for the preservation of heritage property and their surrounding areas;
  - Encouraging research into properties of interest;
  - Public awareness and education regarding the value of heritage sites; and
  - Advising Government on conservation efforts and the treatment of heritage property
- ▶ Facilitation of public consultation exercises within the Municipal Corporation as required; and
- ▶ Collaboration with government agencies, private developers, consultants, landowners, businesses and local organisations.

### **3.3.2 Greater Stakeholder Involvement**

In order to ensure that the most appropriate and relevant services are being delivered and that every citizen is allowed the opportunity to participate in decision making about his /her community, the following measures are proposed:

- Development of regulations that require the Municipal Corporation and all developers to publicly declare through the erection of notices etc. any and all intended developments;
- Approval of developments, which are assessed to have a significant impact on the health, safety or economic development of the community, to be obtained through the public vote at statutory town meetings/ public hearings; and
- The creation of a Community Forum to provide a two-way exchange of information, and to act as a sounding board for the local authority.

### **3.4 Disaster Management**

Disaster Management is currently a part of the responsibility of Local Government bodies. This department must be adequately funded and equipped in order to respond in a timely and effective manner to disasters, which may occur from time to time. The scope of the Disaster Management Unit (DMU) of each Corporation must be expanded to coordinate a network of agencies and individuals to direct their efforts towards the maximum preservation of life and the protection of property in times of disaster. It is felt that these DMUs should model some aspects of the Tobago Emergency Management Authority (TEMA) as it has proven to be a very effective model. It should be noted that this expansion is to be done with the understanding that the issue of disaster management in Trinidad and Tobago is a function of the Ministry of National Security and therefore the role of the Municipal Corporations will continue to be that of first respondents.

The Coordinator of the DMU will interface regularly with the Office of Disaster Preparedness and Management (ODPM) under the Ministry of National Security to provide information and data and more importantly, to receive information and to obtain a national perspective on impending disaster. The coordinator must report on a day-to-day basis to the Chief Executive Officer (CEO) of the Municipal Corporation.

The DMU must work to ensure that there is a well-established community network, with well-trained staff, together with the appropriate tools and equipment, which will facilitate real time information and easy access in times of disaster.

### **3.5 Repairs and maintenance to Government schools and specified public buildings**

Governments over the years have experienced grave difficulty in ensuring that repairs and maintenance of schools throughout the country are completed on time to facilitate the re-opening of school. This annual problem has caused students to lose valuable study and preparation time. These disruptions affect teachers in the delivery of the school curriculum. One of the reasons identified for the Ministry of Education's inability to meet deadlines for the repairs and maintenance of schools is the centralised system employed through the Education Facilities Company Limited (EFCL).

This Government is determined to correct this situation and is therefore proposing a decentralised approach by devolving the responsibility of maintenance and repairs to Municipal Corporations for all Government and Government-assisted schools in addition to some public buildings, as identified hereunder which are located within the respective Municipalities.

With respect to schools, the Municipal Corporations will be expected to develop a working relationship with school principals and the school boards within their municipalities to determine their needs and requirements with regards to repairs and maintenance and to ensure that works are executed in a timely manner.

Furthermore, with respect to public buildings, the Municipal Corporations will be responsible for maintenance and minor repairs to public facilities such as: community centres; Local Government offices; sporting facilities under the purview of the Municipal Corporations; and all other facilities that currently fall under the jurisdiction of the Local Government authorities. It is therefore recommended that *Section 232 (h) the maintenance of state property*, be amended.

### **3.6 Cemeteries and Crematoria**

Municipal Corporations at present are responsible for establishing and maintaining public cemeteries and crematoria. However, throughout Trinidad there are established private cemeteries, crematoria, and cremation sites. It can only be assumed that Ministerial approval for the establishment of these private sites was sought and obtained. Additionally, funeral parlours are established throughout the country and there are no known regulations or sets of standards to guide the operations of these businesses therefore, the risk of unhealthy practices is likely. In these circumstances, it is strongly recommended that all cemeteries, all crematoria, all funeral parlors and cremation sites, both private and public, be brought under the jurisdiction of the respective Municipal Corporations.

The owners/ proprietors of these facilities must be made to submit an application for registration and obtain a license to establish and operate such facilities. The Municipal Corporations must keep a register and accurate records of their activities in accordance with established operating criteria and standards to

be developed in collaboration with the Ministry of Health, the Environmental Management Authority (EMA), a representative from the owner/ proprietor and representatives from the Municipal Corporation.

It is further recommended that the Burial Grounds Act Chap 30:50 be amended to take into account the present reality.

## 4.0 New Local Government Roles and Responsibilities

As outlined in the Government's policy document there are several tasks and functions now managed by the Central Government that can be more effectively handled by Local Government bodies. These include social services and community development functions. As such, in addition to the functions, roles and responsibilities outlined in the previous section, the roles and responsibilities of the Municipalities will be expanded to include the following:

### 4.1 Secure Funding

One of the major reasons given for the inability of Local Government bodies to deliver on their mandate to provide goods and services to the public, is the lack of adequate funding. Local Government Bodies rely mainly on an allocation from the Central Government through its Annual Budget in addition to the meagre sums collected from fees and charges from the following sources:

- **Waste Disposal/ Solid Waste Management** - Money is collected from the public in exchange for cesspit tank cleaning, disposal of large items etc.;
- **Food Badges** – Citizens pay a fee to the relevant Municipal Corporation to acquire food badges;
- **Interment Fees** - Persons may pay burial, crematorium and exhumation fees to the Corporation;
- **Market Dues** - To allow citizens to sell at local markets, payment is made to the relevant Municipal Corporation for rental of individual market stalls. Electricity fees may also be collected from market stall tenants;
- **Other Rental Income** - Money is collected for the rental of town halls, village rooms, basketball courts, squares, playgrounds, trees and other enclosed areas;
- **Service Charges** - such as payments for certificates of assessment, building or completion certificates;
- **Tender Packages**;
- **Public Nuisance** – garages and scrap yards and;
- **Miscellaneous Items** – These may include general administration rent, abattoirs and dining shed fees, recoverable receipts, land rent and renewal of leases, and building plans etc.

The Municipal Corporations Act (MCA) No. 21 of 1990 Part V afforded Local Government bodies the authority to collect House Rates. It required the Municipalities to create their individual house rate books

similar to the rolls under the Land and Building Tax Act. Unfortunately none of the Regional Corporations established their House Rate book and were therefore unable to set and collect the land taxes from their burgesses. Only the cities and boroughs which had their own individual rolls prior to coming under the MCA were able to collect land taxes. With the enactment of the Property Tax Act, Part V of the Municipal Corporations Act was repealed.

It is this Government's desire through its stated policy that Municipal Corporations should have a secure source of funds in order to deliver goods and services to the public. Provision must be made for the reinstatement of the legislation of the Municipal Corporations that all the relevant revenue and taxation laws must be amended to allow for Local Government bodies to collect and retain property tax collected within their boundaries. However, it must be noted that some Corporations will collect substantially more taxes than others because of the location of the large industrial and commercial enterprises as well as the demand for infrastructural development and other amenities in Corporations. Therefore, it may be prudent to deposit the taxes collected by each Corporation into a central pool to be distributed to the Municipal Corporations on the basis of a formula to be developed.

An option to consider for the collection, retention and reallocation of property taxes is as follows:

- All Cities, Boroughs and Corporations will collect and retain residential taxes from the citizenry within their jurisdiction. These taxes together with the funds collected from other sources will provide a stream of income for the Municipalities to cover their recurrent expenditure.
- As stated above, because of the structure of the economy, all agricultural, commercial and industrial taxes collected will be transferred to a Municipal Property Tax Pool. These taxes will then be redistributed to the municipalities on the basis of a commercial and industrial index which will determine the quantum of these taxes to be redistributed to each municipality.
- As an example, the Pt. Fortin and the Couva/Tabaquite/Talparo Municipalities may be allotted a higher percentage from the Tax Pool as a result of the level of commercial and industrial activity on those Areas. Also, those areas with City and Borough status will be assigned a specific percentage from the Tax Pool.

The following table illustrates a redistribution of taxes using the industrial and commercial index:



<b>Region</b>	<b>Industrial &amp; Commercial Weight</b>	<b>Percentage of the Tax Pool</b>	<b>Total Allocation from the Pool</b>
Point Fortin, Couva/Tabaquite/Talparo	5/5	10/10	20
Port-of-Spain, San Fernando, Chaguanas, Arima	4/4/4/4	9/9/9/9	36
Tunapuna/ Piarco, Diego Martin, San Juan/ Laventille	3/3/3	7/7/7	21
Princes Town, Siparia,	2/2	5/5	10
Penal/Debe, Sangre Grande, Mayaro/ Rio Claro	1/1/1	4/4/4	12
<b>Total 99</b>			

Alternatively, if the Tax Pool is redistributed according to population size per Municipality, with City and Borough assigned a specific weight, the following distribution may be considered:

<b>REGION</b>		<b>POPULATION SIZE</b>	<b>POPULATION WEIGHT</b>	<b>PERCENTAGE OF TAX POOL</b>
1.	Tunapuna/ Piarco Region	215, 119	5	10
2.	Couva/Tabaquite/Talparo Region	178, 409	5	10
3.	San Juan/ Laventille Region	157, 257	4	8
4.	Diego Martin Region	102, 957	4	8
5.	Princes Town Region	102, 374	4	8
6.	Penal/ Debe Region	89, 391	3	6
7.	Siparia	86, 949	3	6
8.	Chaguanas Borough	83,516	4	7
9.	Sangre Grande Region	75, 766	3	6
10.	San Fernando City	48, 838	4	7
11.	Port-of-Spain City	37, 074	4	7
12.	Mayaro/ Rio Claro Region	35, 650	2	3
13.	Arima Borough	33, 607	4	7
14.	Point Fortin Borough	20, 236	4	7

<b>POPULATION SIZE</b>	<b>WEIGHT</b>
over 175,000	5
100,000 - 175,000	4
50,000 – 100,000	3
30,000 - 50,000	2
Under 30,000	1
*City and Borough status	4

In addition to property tax, provisions must be made legislatively for Municipal Corporations to collect and retain for use all fines from the motor vehicle ticket system and other breaches from the Motor Vehicle and Road Traffic Act occurring within their respective boundaries, as well as fees from the registration of dangerous dogs upon the operationalisation of the Dangerous Dogs Act. It is further recommended that Statutory Funds be established for each Corporation which would then allow sections of the Exchequer and Audit Act to apply and would mean unexpended balances in each fund would not have to be returned to the Consolidated Fund at the end of the financial year. It is also recommended that, unlike Tobago, there be no restriction on how those monies should be utilised by the Corporation.

At present, the Ministry of Rural Development and Local Government serves as a conduit through which funding reaches the Municipal Corporations. This Government proposes that as power and authority are devolved to the Municipalities, the Local Government function of the Ministry will be dissolved and Municipal Corporations will be required to report and interface directly with the Ministry of Finance regarding the accountability of the taxes, fines and charges in their yearly estimates for the purpose of budgeting, as well as their requests for subventions where additional funding is required to supplement their budgets. The Ministry of Finance will now be responsible for financial oversight of the Corporations through a well-designed Audit department relating to internal audit units at the Corporations. Internal accounting processes will be established to ensure that all Municipal Corporations adopt internationally acceptable accounting standards as well as the appropriate procurement procedures as outlined in the Procurement Legislation. The Corporations will also report to the Auditor General's Department for all monies received and expended.

To ensure compliance with the law, severe penalties and sanctions will be established for breaches of tender procedures and financial regulations as well as any financial irregularities. This Administration will establish and enforce strict anti-corruption provisions to ensure integrity and equality in its procurement processes. Furthermore, Local Government bodies will be made accountable to the Parliament through its Committees, and to the public on a regular basis thus opening up themselves to wider scrutiny.

## 4.2 Social Welfare Services

Local Government bodies, by virtue of their relationship with and proximity to the communities, will be given a greater responsibility for the delivery of social welfare services to persons within the communities. The criteria will be developed to identify the indigent or those persons who are unable to adequately provide for themselves. This Government proposes to place the delivery of a number of social welfare services under the jurisdiction of the Municipal Corporations within their respective Municipalities.

### **Social Services to be transferred to the Municipal Corporations**

The seamless availability of social services to individuals in their various communities with greater dispatch, would contribute immensely to enhancing the quality of life of citizens and burgesses within the Municipalities. Accordingly, the following social services would be immediately targeted for devolution to the Municipal Corporations:

1. **General Assistance Grants (GAG) Facility:** Available to households that suffer the effects of natural or man-made disasters but do not have adequate household income to afford items that they need. This facility includes grants for: educational supplies, household articles, special children, medical equipment, housing assistant, domestic help, funeral expenses, prosthetics, house rent, books, pharmaceuticals, clothing, urgent temporary assistance, and dietary needs.
2. **Food Support/ Targeted Conditional Cash Transfers (TT Card/ Food Card).**
3. **Disaster Relief:** This relief will be provided under the General Assistance Grants (GAG) Facility.

The following social services will be devolved to the Municipal Corporation as and when the necessary legislative amendments are made:

1. **Senior Citizens' Pension**, governed by The Senior Citizens' Pension Act Chapter 32:02.
2. **Public Assistance**, governed by The Public Assistance Act Chapter 32:03.
3. **Disability Assistance Grant**, provided for under Section 11A of the Public Assistance Act Chapter 32:03.

When the required legislative amendments are effected, and the Municipal Corporations are in a position to administer the abovementioned grants, this will be done in phases to facilitate the following actions:

- Municipal Corporations must deliver their individual database of their respective clientele. The database must provide the following information, at minimum:
  - Name of client
  - Address of client
  - Identification Card number (a copy of ID card to be attached to the form)
  - Telephone contact number (home and cellular)
  - Name of next of kin
  - Address of next of kin
  - Telephone contact of next of kin (home and cellular)
  - In the case of the disability grant, the nature of the disability and a report from a medical doctor must be included as justification

Upon application for senior citizens' pension, the client must be able to satisfy the criteria for pension, which are age, residency, and proof of income. The client must also produce the following supporting documentation: electronic birth certificate, ID card and passport, and utility bill not older than two (2) months.

- Municipal Corporations will process and make payments with respect to the aforementioned grants only to persons who reside within the boundaries of their Municipalities.
- Municipal Corporations must develop systems whereby a team of social workers will work intimately with families in their communities who will be able to identify when a pensioner or any person in receipt of any of the above grants moves to another address for more than three (3) months either within the same Municipality or to another Municipality so that the social worker will (a) immediately update the database, (b) immediately make contact with the

Municipality where the client has moved to in order to effect a transfer of accounts to that Municipality.

### **4.3 Decentralisation of Social Services**

It is the desire of this Government to reach out and to satisfy the social needs of members of the various communities in Trinidad, and the approach will be through the decentralisation of social services utilising the Local Government bodies, where a cadre of trained social workers will be assigned. These social workers will be dispatched throughout communities in Trinidad working intimately with families to identify needs, inadequacies and other socio-economic issues, confronting families and individuals alike. The social workers will immediately apply the social services programmes to the situation identified, not only to bring immediate relief and assistance to these families and individuals, but also to ensure that there is sustainable development at the level of the individual, the family and the community.

This system has to be carefully developed over time, for there may be insufficient social workers currently, to properly and effectively carry out this new paradigm. Therefore, a programme may have to be put in place to increase the number of qualified social workers on the market.

In order to facilitate the effective management of the social services by each Municipal Corporation, it would be necessary to equip the Corporations with the required human resource capacity to conduct the investigative and social work activities that are critical to the delivery of the proposed social services. The Municipal Corporations would be staffed accordingly with the requisite cadre of Managers/Supervising Officers; Social Workers; Social Welfare Advisers; Regional Coordinators; Field Officers; Administrative, Secretarial, Clerical and Accounting staff necessary for the assessment and processing of requests for and delivery of social services.

### **4.4 Management and repairs of community centres**

The meaningful involvement of civil society organisations is essential in the promotion of effective local governance. Therefore, the involvement of Municipal Corporations in ensuring that the management, maintenance and repairs to existing community centres is critical in the development of this relationship.

Local Government representatives (Councillors) must develop a working relationship with all village councils within their electoral district. In addition to providing them with information relating to the development of their community and to solicit their views on matters relating thereto, Local Government representatives through the Municipal Corporation must also effect repairs and maintenance to the community centres and provide management of the facility to ensure that they are kept in a pristine condition.

#### **4.5 Development of Small Contractors**

Local Government bodies will be responsible for creating a platform for skills development through a programme of apprenticeship and training for unemployed and underemployed persons. Special attention will be placed on the unemployed and vulnerable youth in depressed communities. Local Government bodies must create a stimulus for small business development, by (a) providing fiscal and monetary incentives and training to encourage entrepreneurship, and (b) way of the formation of small and medium-sized construction companies and maintenance companies within their municipalities, which will be considered for the award of contracts for construction, repairs and maintenance of local infrastructure, schools and public buildings. Municipal Corporations will be required to put in place all the necessary checks and balances, procurement procedures and monitoring mechanisms in the executing of contracts. It is believed that the new paradigm will stimulate the local economy by ensuring that the money spent on construction, maintenance and repair works within the Municipalities circulates within that local area.

#### **4.6 Civil Society Participation**

Local Government brings government to the level of the ordinary citizen. Local Government involves the process through which citizens participate in making decisions regarding services and amenities that are required in the pursuit of their development. A participating society fosters a sense of political efficacy nurturing a concern for collective problem-solving while at the same time contributing to the formation of an enlightened citizenry. This notion has to be nurtured and encouraged as our citizens generally feel alienated from the decision-making process. Therefore, mechanisms may have to be legislated to ensure that civil society organisations be afforded the opportunity and the fora to

meaningfully participate in decision-making on issues that impact their community. Therefore, our Local Government bodies will be mandated to create a formal consultative process and forum where Non-Governmental Organizations (NGOs), Community-based Organizations (CBOs) and other civil society groups and interested parties can comment on and critique the projects, plans and programmes of the Local Government bodies before they are implemented and make recommendations for improvement. Local Government bodies must establish an open-door policy, public accountability system and framework.

#### **4.7 Economic Research and Planning**

The role of the Research and Planning Unit is to provide expert policy and technical advice based on sound economic and social planning information specific to Local Government. This is to be done by conducting economic and social research, policy analysis, economic and social planning, technical cooperation, coordination and the compilation and analysis of statistical information. This unit should be the central and main driver of policy plans, budgeting and decision making and the overall development of the Municipality. The Economic Research and Planning Unit will collaborate with other departments to encourage greater synergy among Units, Ministries and other agencies.

#### **4.8 Local Economic Development Units (LED)**

Around the world, Municipal or Local Governments increasingly perform a key local economic development promotion role within their localities. In both developed and developing countries, Local Governments provide strategic guidance to LED by actively coordinating and consolidating their actions towards achieving strategic local economic development objectives. This is done in collaboration with the business sector, civil society organisations and communities as each play a role in LED.

Local Governments also intervene to enhance regulatory environments and invest strategically (directly or through innovative public-private partnerships) to address their economies' infrastructure and growth needs. Furthermore, Local Governments often promote responsive business development, financial services, communication and transportation services required by their specific local economic sectors and clusters.

## 4.9 Information and Communications Technology

Information and Communications Technology (ICT) gives us greater access to each other and to information which is required to make decisions for participatory governance. Emerging technologies facilitate modernisation and transformation of Local Government management systems. The efficient and effective use of communications systems can foster socio-economic development and facilitate easy and effective information collection, storage and dissemination.

There are several benefits to the introduction of ICT systems within the Municipalities. These include, inter alia:

- The ability to store and retrieve information electronically thus reducing the need for paper-based options. This will allow individuals to retrieve information in a faster manner thus reducing the response time to address matters;
- It can assist with the collection, storage and interpretation of data to provide Corporations with the ability to make more informed decisions;
- Providing real time access to information on the ground to allow Councils to make quick decisions to respond to the needs of the burgesses in a timely manner;
- Provides a forum for the sharing of data without physically being on site;
- Will provide end users with remote access capability, which will allow them to access data from the Corporation regardless of geographic location. This will allow users to work from home, at the Corporation, while mobile or overseas;
- ICT solutions will provide users with the ability to automate several services such as accounting, asset, document and procurement management;
- Through the use of social media applications (Facebook, Twitter, Tumblr, Instagram etc.), the Corporation will be able to gather information from the citizens and interact with them in a timely manner. Furthermore, social media provides the Corporation access to a wider audience at little or no cost;
- The data gathered through the use of ICT solutions over an extended period can be used for trend analysis which is integral to planning and development and other decision-making processes;
- The use of ICT will provide the Corporation with the ability to develop Key Performance Indicators (KPIs) to measure project performance set out by the Corporation; and



- In keeping with project management practices, ICT can provide risk management solutions to ensure that all projects meet the safety requirements set out by ISO standards.

The Government proposes that all Municipal Corporations adopt a Complaint Management Software System to receive and log complaints. Fora will also be established to give citizens the opportunity to share ideas for community development and provide real time information on issues affecting their communities.

ICT services in all communities can play a role in narrowing the digital divide. The establishment of Internet Service Hubs within Community Centres can provide internet access for residents. These centres or hubs will provide access to information resources or services offered in communities; training programmes for residents including the elderly; and provide guidance and access to local and national services. Residents can access information on current community-based projects and programmes and access to agricultural, health, political, community development and educational resources and information.

**Proper development and use of social media** – Government and Municipal Corporations no longer have to rely exclusively on traditional use of broadcast media for dissemination of information. Government communication with residents can take advantage of social media platforms to meet communication demands. Social media can provide 24/7 interactive communication with residents of all municipalities. Digital communication channels such as Twitter, Facebook and YouTube will enable municipalities to interact with and share information with burgesses. These platforms serve to generate more transparency and openness about activities in the various municipalities and encourage greater community participation and interaction by citizens. Also, the proposed development of smart phone applications can facilitate greater access to Councillors and also allow for submission of complaints via picture messaging and geo-tagging to report issues affecting their community for example, the improper disposal of refuse, infrastructure issues and disaster management issues.

The implementation of ICT based initiatives such as: Financial Management Systems; Accounting Systems; Auditing Systems; Asset Management Systems; Document Management Systems; and Complaints Management Systems can also facilitate and increase transparency and accountability. Monthly reports, financial reports and resolution reports can all be accessed digitally. Implementation

of these solutions can also facilitate the use of ICT to enable municipalities to process permit applications, crematorium licenses and various other business applications.

#### **4.10 Monitoring and Evaluation**

It is noted, as part of the transformation process, that the Ministry of Rural Development and Local Government will be transitioned into the Ministry of Rural Development, to champion the mandate of rural infrastructural development. It is further noted that once the Municipal Corporations assume full autonomy, they will report on financial matters directly to the Minister of Finance and make direct submissions of their budget estimates. The Ministry of Finance, along with the Auditor General's Department, will work in conjunction with the Internal Audit Department of the Municipal Corporation to account for all monies received and expended.

To accomplish this, an Audit Committee will be established within each Corporation. This committee will ensure accountability, adherence to law and regulations, and the efficiency and effectiveness in the collection, disbursement and use of funds and other resources. This will be done through audits targeting finance, compliance and value-for-money.

To ensure accountability and promote greater integrity, Senior Management of the Corporations will be required to report to the Integrity Commission. In addition to the Chief Executive Officer, all senior management staff will now be required to submit these returns annually. Persons will be required to submit declarations of income, assets and liabilities and comply with the Code of Conduct outlined in Part IV of the Integrity in Public Life Act 2000.

Finally, the involvement of the public and civil society is critical to the monitoring and evaluation process. The people are, and will continue to be, the main “watch dogs” of the Corporations to ensure equity and accountability and to ensure that their Corporation conducts due diligence in the execution of works. The Corporations must ensure that all areas are treated fairly in the allocation of resources and the delivery of services. As such, the Corporations will be required to host quarterly meetings to report on their activities and expenditure. Additionally, prior to the submission of draft estimates to the Ministry of Finance, the Corporations will also be required to host public consultations with their burgesses. Ultimately the public will determine, at the polls, the success or failure of the Council.

## 5.0 The Council

The Council of each Municipal Corporation represents the political arm and consists of both elected members, referred to as Councillors, and nominated persons, referred to as Aldermen.

Municipal Corporations should continue to operate the Committee System whereby the work and operations of the Corporation are first discussed at the various committees and the decisions at those committees are ratified at the monthly statutory meeting.

It is recommended that Section 69 of the Municipal Corporations Act be amended to increase the number of standing committees to no more than eight (8) and they are as follows:

- Infrastructural Development and Maintenance Committee;
- Public Health, Sanitation and the Environment Committee;
- Finance, Economic Planning and Allocation of Resources Committee;
- Community Development, Social Services and Decentralisation Committee;
- Sports Development, Recreation Grounds and Public Spaces Committee;
- Spatial Planning and Building Inspectorate Committee;
- Corporate Services Committee;
- Regional Coordinating Committee;
- Human Resource Committee; and
- Occupational Health and Safety Committee.

The proposal to transform Councils at the Municipal Corporations into Executive Councils, hereinafter called Municipal Council, will now afford the Mayor/Chairman to select his/her Executive, hereinafter called the Executive Council, from among the elected and nominated members of Council. The Municipal Council and Executive Council are recognised as two distinct democratic structures. The role and responsibility of **the Municipal Council** will be:-

- To make standing orders, bye-laws and regulations for the good governance of the Corporations;
- To formulate broad strategies for implementation by the Executive Council in accordance with national policies;
- To exercise oversight over the activities of the Corporation and its Executive Council;
- To review the operations of the Executive Council;

- To debate matters pertinent to the development of the Municipality;
- To represent the interest and concerns of the burgesses/citizens within the Municipality;
- To bring the grievances and service delivery requests of the public to the relevant division of the Corporation;
- To regulate the conduct of members;
- To enquire and question officials on matters pertaining to the operations of the Corporation;
- To approve the budget of the Corporation for consideration by the Ministry of Finance;
- To review reports on the operations and activities of the Corporation; and
- To seek redress on behalf of members of the public who present legitimate claims of mal-administration.

The roles and responsibilities of the Executive Council will be:

- To determine broad strategies for the implementation consistent with the decision of the Municipal Council;
- To allocate financial and other resources to the various departments/divisions;
- To collectively exercise responsibility and accountability for the effective day-to-day management of the Corporation;
- To approve plans and programmes of the various departments/divisions;
- To review the operations of the various departments/divisions to ensure compliance;
- To coordinate the operations of the various departments and to rationalise the divisional operations; and
- To review bye-laws and other regulations for submission to the Municipal Council.

*The proposed organisational chart for the Executive Council is attached at Appendix A.*

## **5.1 Executive Authority**

Currently, Municipal Corporations are ineffective and burdened with bureaucracy because their control is centralised in the Ministry of Rural Development and Local Government, and as with any centralised system, decision-making is slow and often counterproductive.

This Government proposes the creation of Executive Councils in the Corporations with full-time members of Council to whom administrative responsibilities will be assigned, thereby rendering the Corporations autonomous bodies similar to the Tobago House of Assembly. The Municipal Corporations Act will be amended to give effect to this proposal and the Ministry of Local Government will be phased out, effectively removing ministerial control from the Corporations.

The Corporations will then be empowered to ensure effective governance and to formulate and implement policies for their respective Municipalities and to do all that is necessary to ensure that goods and services are delivered to their burgesses in a timely and cost-effective manner. The Municipal Council will be required to review Government's national policy and ensure that local plans reflect Government national goals. The Executive Council will be responsible for the management of expenditure thereby ensuring that there is efficient and equitable use of resources throughout the Municipality.

## **5.2 Trinidad and Tobago Association of Local Government Authorities (TTALGA)**

Part XIII of the Municipal Corporations Act deals specifically with the Association of Local Government Practitioners. Section 233 (2) must be amended to expand the objects of the Association to give effect to the increased roles and responsibilities of the Association and therefore the following objects are to be included:

- (a) To advocate and lobby on behalf of the members who are Local Government practitioners for better terms and working conditions
- (b) To forge relationships and collaborate with regional and international Local Government bodies to share best practices.

Section 234 (1) must be amended to reflect that the Executive Committee should consist of a Chairman, Vice-Chairman, Committee members (five in number) in addition to all Mayors/Chairmen of Municipal Corporations who were not elected.

## 6.0 Human Resources

### 6.1 Functions, Roles and Responsibilities

It is noted that the main purpose of the Municipal Corporations is to improve delivery, accessibility and sustainability of public goods and services through a devolved system at the local level. Currently, there are fourteen (14) Municipal Corporations under the portfolio of the Ministry of Rural Development and Local Government, geographically dispersed to facilitate this mechanism of service delivery. To deliver these services, the current organisational structure is inadequate and does not permit the delivery of these services to meet the existing needs of the burgesses. ***A current functional structure facilitating the delivery of government services through a Municipal Corporation is attached at Appendix B.***

However, the majority of citizens served by the Municipal Corporations remain very dissatisfied with the response and quality of service. It is noted that the complaints at the local level whilst increasing, are varied and have changed amidst immediate needs of an impatient public, thus requiring new, timely and cost-effective approaches to address complaints.

Also, at the Central Government level, there has been a growing trend of a duplication of government services in an attempt to meet the demands of citizens. However, this in itself is seen to be counterproductive and an inefficient use of government revenue. A more practical approach is necessary to streamline the service delivery mechanisms to allow greater coordination and cohesion, especially given the challenging economic climate.

In this regard, with the thrust towards modernising the Municipal Corporations to keep abreast of increasing demands, a new functional structure is being proposed to facilitate devolved authority, increased responsibility, prompt and efficient service delivery. This new structure can be seen as a way to bridge the gap between some Central Government services which are to be transferred to Local Government to facilitate the timely delivery to local communities as well as streamlining the accessibility of these services.

As such, the THA Model was reviewed and the following core roles, responsibilities and subsequent functions are proposed to provide and maintain services and implement projects consistent with Central Government policies to promote sustainable development:

### **6.1.1 Infrastructural Development and Maintenance**

*Purpose:* Ensure the provision and maintenance of facilities and infrastructure. Conduct maintenance and repair, undertake refurbishment and renewal and provide for replacement of public infrastructure.

*Role and Responsibilities:*

- Provide, manage and maintain public markets and abattoirs;
- Assist in disaster preparedness and management initiatives;
- Maintain public and historic buildings, historic sites and public schools; and
- Develop sporting and recreational facilities, parks and grounds, minor drains, bridges and roadways

*Functional Units:*

- Engineering and Surveying
- Project Management
- Fleet Management
- Facilities Management

### **6.1.2 Public Health, Sanitation and the Environment**

*Purpose:* Prevent disease, prolong life and promote health through organised measures and informed choices of society, local businesses, communities and individuals to promote community sustainability and enhance the quality of life.

*Roles and Responsibilities:*

- Ensure that public health and environmental safety standards are observed;
- Facilitate the distribution of water to areas void of a pipe-borne supply;
- Waste resource management;
- Manage and control of insect vectors;
- Inspect, business premises, public markets and abattoirs;
- Promote environmental sanitation and preservation;
- Promote disaster preparedness and management and mitigate disaster risks;
- Prevent the spread of food borne and vector transmitted diseases; and
- Monitor cemeteries, cremation sites, crematoria and funeral parlours.

*Functional Units:*

- Waste Management
- Disaster Management
- Vector Control
- Public Health Inspectorate
- Environmental Sanitation and Litter Prevention

### **6.1.3 Finance, Economic Planning and Allocation of Resources**

*Purpose: Research best practices, develop strategic direction and policies, financial planning and maintenance of financial resources.*

*Roles and Responsibilities:*

- Strategic planning and development at a regional level;
- Collection, collation and analysis of socio-economic data in general, and local government data in particular;
- Conducting fieldwork to collect, collate and analyse such data;
- Interpreting data as a base for formulating planning policies for local government;
- Preparation and presentation of research reports on assigned areas and on local government issues;
- Investigation of development projects of the Municipal Corporations to monitor progress and adherence to stated objectives;
- Compilation, investigation and analysis of economic and statistical data as it relates to local government;
- Drafting of periodic reports and special studies on various aspects of local government;
- Representing the Municipality or Department at meetings, conferences and on committees appointed to discuss Local Government related matters;
- Compilation and maintenance of statistical records concerning local government; and
- Preparation of budgets and budgetary documents.



*Functional Units:*

- Research, Planning and Development
- Local Economic Development (LED)
- Finance and Accounts

#### **6.1.4 Community Development, Social Services and Decentralisation**

*Purpose:* Increase the availability and accessibility of social services in local communities through greater distribution to enhance the quality of life of individuals in each Municipality.

*Roles and Responsibilities:*

- Promote local cultural community events and sporting activities;
- Facilitate social and community development;
- Promote the development and preservation of the arts and cultural/heritage festivals;
- Encourage civic and corporate sponsorship initiatives;
- Assist in the implementation of Central Government social policies and programmes; and
- Facilitate civil society participation in the Municipality's growth and development.

*Functional Units:*

- Social Services Delivery
- Community, Culture, Festival and the Arts

#### **6.1.5 Sports Development, Recreation Grounds and Public Spaces**

*Purpose:* Maintain and develop sporting initiatives and facilities in the community. Maintain and encourage use of recreation grounds/public spaces in the community.

*Roles and Responsibilities:*

- Maintain and manage sporting facilities, recreation grounds and public spaces
- Develop sports initiatives in the community
- Manage rental of sporting facilities

*Functional Units:*

- Sport and Youth Development

- Recreation Grounds and Public Spaces

#### **6.1.6 Spatial Planning and Building Inspectorate**

*Purpose:* Develop and implement regional policies, plans and programmes within the framework of the National Spatial Development Strategy, to drive regional development and build sustainable communities.

*Roles and Responsibilities:*

- Develop spatial plans for the municipality as part of the National Spatial Development Strategy;
- Undertake land use planning to regulate and promote economic growth within the municipality;
- Conduct building inspections, investigate complaints and issue building approvals;
- Enforce land use planning polices and adherence to environmental regulations; and
- Oversee the construction of minor drainage, bridges, roadways and other infrastructural work in local communities.

*Functional Units:*

- Spatial Planning
- Building Inspectorate

#### **6.1.7 Corporate Services**

*Purpose:* Provide a range of administrative and internal support services that support operations and contribute to the efficiency of each Corporation.

*Roles and Responsibilities:*

- Ensure that the directives, decisions and policies of the Municipal Council and Executive Council are implemented;
- Coordinate the activities of the various divisions/units of the Corporation;
- Implement performance management systems;
- Promote capacity-building initiatives in order to continuously improve quality service delivery;
- Provide administrative and management support services for the effective functioning of the various divisions/units;

- Provide training and apprenticeship opportunities; and
- Industrial Relations

*Functional Units:*

- Human Resource Management
- Legal
- General Administration
- Procurement
- Communications and Public Relations
- Information and Communications Technology
- Training and Development
- Industrial Relations

### **6.1.8 Monitoring and Evaluation**

*Purpose:* Undertake the systematic collection and analysis of information from process, projects and programmes to improve current and future management of outputs, outcomes and impacts through objective measurement and assessment of performance.

*Role and Responsibilities:*

- Ensure the development of an evaluation plan;
- Promote joint evaluation work with the Corporation and other entities;
- Ensure evaluability of initiatives, clear and comprehensive results frameworks are in put place, and effective monitoring is implemented;
- Safeguard the independence of the evaluation exercise and ensure quality of evaluations;
- Prepare a management response to all evaluations and ensure the implementation of committed actions in the management response.
- Examine annual Development Programme estimates to ensure effective programming of physical and other activities including related expenditure;
- Assist in the collection, analysis and presentation of data relating to the programming and executing of projects;
- Maintain office records relating to the physical and financial aspects of programs and projects;
- Prepare quarterly and annual reports on the Development Programme /PSIP;

- Ensure that contractual obligations are fulfilled by contractors;
- Assist in the resolution of any problems hindering the progress of projects;
- Assist in the investigation of complaints;
- Conduct the inspection and appraisal of projects to ensure successful completion within estimated costs, evaluated time schedules and budgetary allocations; and
- Identify and correct cost variances

*Functional Unit:*

- Monitoring and Evaluation

### **6.1.9 Auditing**

Purpose: Provide independent assurance that the Corporation's risk management, governance and internal control processes are operating effectively. Ensure that all financial transactions are undertaken and subsidiary records prepared in accordance with the Exchequer and Audit Act, Chapter 69:01 and the Financial Regulations, 1965.

*Roles and Responsibilities:*

- Evaluate the adequacy of the system of internal controls;
- Recommend improvements in controls;
- Assess compliance with policies and procedures and sound business practices;
- Assess compliance with laws and regulations.
- Review operations/work programmes to ascertain whether results are consistent with established objectives and whether the operations/work programmes are being carried out as planned;
- Investigate reported occurrences of fraud, embezzlement, theft, waste, etc.
- Give account of the assets, equipment and furniture of the Municipal Corporation.

*Functional Unit:*

- Internal Audit

## 6.2 Structure and Organisation

The existing organisational structures of the Municipal Corporations are outdated and do not reflect the changes within the organisation over time. More so, some of the jobs have evolved, with certain duties becoming obsolete in some instances. It was noted during the course of investigations that structures varied across Corporations due to several factors such as: geographical location; demographics; vacancies; and municipal status (City, Borough or Regional Corporation). ***An example of an existing organisational structure for a Municipal Corporation is attached at Appendix D.***

An efficient organization must have a healthy structure with clear lines of authority and unambiguous reporting relationships. In this regard, clearly defining the functions of the Corporation will enable the development of a robust organisational structure to support simplified coordination, efficient control systems and operational responsibilities.

The new structure must effectively meet the requirements for devolved operations, local democracy, and good governance. It must take into consideration the principles of accountability, transparency, all-inclusiveness, equity, value for money, quality service delivery, participatory democracy and responsiveness.

The new structure must consider the need to establish new political and management structures, reflecting the new roles and responsibilities of the Municipal Corporations. It would necessitate greater involvement of the people's representatives in the management of the affairs of Local Government.

***The proposed organisational chart for the New Municipal Corporation is attached at Appendix E.*** It is envisioned that these new structures will facilitate greater speed and flexibility in decision-making, policy formulation, local economic development, spatial planning, quality service delivery and expanded service delivery within communities.

## 6.3 Reporting Mechanism

A new Executive Council model is being proposed as the senior layer of management of the Corporations. In utilising the THA Model, the new functional and organisational structures (depicted at

**Appendices C and E)** illustrate the proposal of an Executive Council comprising the Mayor/Chief Executive Officer as Head of the Executive Team and Secretaries or Head of each functional portfolio identified at 6.1.1 –6.1.9 above. Each Secretary manages a portfolio of divisions which are led by a manager or head of department. The Chief Executive Officer will stand as the Accounting Officer of the Municipal Corporation.

## **6.4 Commission**

The issue of sourcing and managing quality human resource is an important factor in achieving efficiency and effectiveness in the Local Government system. This has been a long-standing challenge and is compounded by the existing situation whereby two different agencies, namely the Public Service Commission (PSC) and the Statutory Authorities' Service Commission (SASC) are performing the Human Resource Management (HRM) functions of appointment, transfer, discipline and judicial review on behalf of Municipal Corporations.

The PSC exercises jurisdiction over the nine Regional Corporations and the Chaguanas Borough Corporation and the SASC has under its purview the Cities and Boroughs. It is noted that the PSC is a Constitutional Authority and the SASC is not. This has resulted in challenges and restrictions, such as limited opportunities for promotions and upward mobility, leading to the proposal that there should be a single authority to undertake all the human resource functions as specified. In the context of reform, the Government should consider whether the PSC is the better option in light of the constraints of the SASC. The legal implications of such a move will also need to be evaluated.

## **6.5 Staffing**

A manpower audit will determine the staffing levels of each Municipal Corporation based on quantitative indicators. The Service Commissions Department will be responsible for the recruitment process to fill vacancies on the establishment.

It should be noted that given the gamut of the implementation phase of the reform agenda, a pilot project is envisioned. In light of this, in situations where no suitable public service positions exist, the use of

contract positions is suggested as an interim measure. This will enable greater flexibility in evaluating the implementation of proposed changes. Following which, upon the finalisation of the Job Evaluation Exercise by the Chief Personnel Officer, contract positions will be made permanent and pensionable.

Each Municipal Corporation will now be responsible for undertaking the full remit of Human Resource (HR) functions as it pertains to its staffing, which include:

- HR Planning
- HR Development
- Employee Relations (Industrial Relations and Employee Benefits)

## **6.6 Mechanisms for Hiring and Firing**

The recruitment and selection process will be dependent on the Commission's purview under which all Corporations will reside. A competently staffed HR Unit in each Corporation, with a cadre of officers possessing the right skills and competences, will be able to manage the right type of employees to champion the mandate of the Municipal Corporations.

## **6.7 Industrial Relations**

The transitioning of the Local Government system would result in the arousal of fears and uncertainty, increasingly so amidst the prevailing economic climate. A key stakeholder is the trade union. There is need for buy in from the trade union. Issues of compensation and remuneration, loss promotions, seniority and redundancy of jobs will be some of the prominent concerns. Ongoing consultation with trade unions is required as well as effective change management.

In addition, and subject to the Industrial Relations Act the respective majority trade unions which immediately prior to the \_\_\_ day of \_\_\_ 20\_\_ represented various Categories of Workers who were employed at the respective Municipal Corporations and in respect of whom the Chief Personnel Officer was deemed to be the employer under the Industrial Relations Act shall continue to represent such workers.

## 6.8 Collective Bargaining Process

In the case of the daily rated workers employed at the respective Municipal Corporations, it is proposed that a similar arrangement which obtains and is utilised at the Regional Health Authorities be employed. In this case, a team of officials (not more than nine persons) which consists of Chief Executive Officers, Human Resource Officers and Industrial Relations Officers providing guidance and advice in place of the Chief Personnel Office, will be appointed from across the respective Corporations to negotiate subject to any written law every registered Collective Agreement and registered memorandum of agreement within the meaning assigned to such agreement and memorandum under the Industrial Relations Act in existence before \_\_\_\_ day of \_\_\_\_ 200\_\_ to where the Chief Personnel Officer was a party in relations to all employees of the respective Municipal Corporations shall be .... And binding on this respective Municipal Corporation and the majority trade union, which immediately prior to \_\_\_\_ day of \_\_\_\_ 20\_\_ represented the various categories of workers who were employed in such Municipal Corporations and in respect of when the Chief Personnel Officer was deemed to be the employer under the Industrial Relations Act.

For the purposes of the agreement referred to above and for all other purposes related to the Industrial Relations that each Municipal Corporation is deemed to be the successor to the Chief Personnel Officer effective \_\_\_\_ day of \_\_\_\_ 20\_\_\_. Obviously with the relevant guidance and advice in place of the Chief Personnel Officer with the respective Trade Unions representing the daily rated employees to advice at a Collective Agreement.

In the circumstance, it is proposed the following grievance procedure be adopted:

### **GRIEVANCE PROCEDURE**

Disputes and grievances shall be handled as follows:

#### **Step 1:**

The aggrieved employee, with or without his Shop Steward, shall take up the matter with the Supervisor (Foreman), within two (2) working days. Thereafter, the matter shall be heard within a period of not more than five (5) working days and decision given within the time allocated either party shall have the right of referral to Step 2.



#### Step 2:

If there is no settlement at Step 2 above, the employee and/ or the Union shall take up the matter with the General Manager/ Human Resource Manager or his nominee, within ten (10) working days after the expiry date at Step 2; and the matter shall be heard within fifteen (15) working days. Decision at this Step shall be written and shall be given to the aggrieved employee and Union not later than two (2) working days after the expiration of the fifteen (15) working days allocated for the hearing of the grievance.

If the matter is not heard or the decision given within the time allocated either party shall have the right to refer the matter to Step 4.

#### Step 3:

If there is no settlement at Step 3, the matter shall be referred to the Chief Executive Officer within ten (10) working days and shall be heard within six (6) weeks after being so referred. Decision at this Step shall be given in writing to the aggrieved worker and Union not later than seven (7) working days after the expiration of the six (6) weeks allocated for the hearing of the grievance.

If the matter is not heard or the decision given within the time allocated, either party shall have the right to refer the matter to the Minister of Labour.

#### Step 4:

If there is no settlement at Step 3, the matter shall be referred to the Minister of Labour under the Industrial Relations Act, Chap. 88:01 or the Ministry of Labour, for Conciliation.

##### 19.1 Discipline:

1. In all cases of disciplinary action, the worker/s concerned and/ or the Union may exercise the right of appeal under the Grievance Procedure.
2. In the case of dismissal the aggrieved worker and/or the Union shall commence representation at Step 3.

##### 19.2 Reinstatement:

Where a worker has been exonerated at a hearing or as a result of subsequent representation, he shall be reinstated without loss of full pay.

## 20. DISCIPLINARY CODE

20.1. A warning notice may be given to the employee by his supervisor. Such notice shall be in writing and shall state clearly and precisely the nature of the offence. A copy of the notice shall be given to the employee's Shop Steward or the Union.

20.2. Provided that within a period of six (6) months from the date of issue of the said notice the employee has not been the subject of disciplinary action resulting from a charge proven against him, such notice shall cease to have effect and shall thereupon be removed immediately from the official records of the worker.

20.3. Where an offence is alleged to have been committed and disciplinary action is contemplated against a worker, prior to instituting an inquiry into the matter, the Employer shall notify the employee in writing of the charge and shall state clearly and precisely the breach complained of and shall also advise the worker of the time and place of the inquiry and name of the Officer by whom it is to be heard. At such inquiry the employee shall be entitled to be represented by his Shop Steward and/or other Union Officials and to call witnesses on his behalf.

20.4. The employer shall not arbitrarily dismiss or discipline an employee (Warning Notice excluded) prior to the completion of the process of 20.3 above.

20.5. The charged employee shall be informed in writing of the decision and a copy of such decision shall be given to the Union. Decision resulting in dismissal shall state clearly and precisely the offence necessitating such dismissal.

20.6. Where a worker has been exonerated at a hearing or as a result of subsequent representation he shall be reinstated without loss of pay.

20.7. Supervisory officer may suspend a worker pending the hearing of a charge in cases where the circumstances or nature of the offence warrant it, but suspension as a form of punishment arising from disciplinary action shall not be exercised by officers lower in rank than that of a Head of Section, Branch, District or officer of equal status.

20.8. In the case of a permanent worker such a suspension shall be on half-pay.

20.9. Dismissal as a form of punishment shall not be exercised by an officer lower in rank than that of Head of Section, Branch, District or an officer of equal status.

20.10. Dismissal shall be in writing, stating clearly and precisely the offence(s) necessitating such dismissal.

20.11. In all cases of disciplinary action, the aggrieved employee and/ or the Union shall have the right of appeal under the Grievance Procedure.

## **6.9 Change Management**

The impetus for organisational change and development brings with it the need for change management. Initially, highly skilled Change Managers will need to be enlisted to facilitate the transition and implementation process. However, through expert training and continuous development, staff of the HR Units of each Municipal Corporation would become skilled in the area of change management.

## **6.10 Training**

Training and capacity-building are very important aspects of any transition process. This team is committed to ensuring that all employees are sufficiently trained in their fields to ensure efficient compliance with the new responsibilities of the Municipal Corporations. Performance Management Systems will identify the areas of training needed by staff. Training may be obtained using resources of the Ministry of Public Administration and Communications (Public Service Academy - PSA) as well as the Ministry of Education (Scholarships Division). Training Plans will be required from each Corporation detailing the current standings and individual training needs of all employees. These documents will be analysed and training proposals will be developed for each Corporation, so as to ensure that staff are effectively trained in all necessary areas.

## **6.11 Expansion of the hours of work for specific Units**

Due to the nature of work for some departments, officers may be required to operate beyond the regular working hours. Therefore these departments will be required to operate a shift system for employees.

The following departments will be considered for this type of arrangement:

- Municipal Police Department
- Litter Wardens Division
- Disaster Management Unit
- Public Health Department (some areas)

## 7.0 Boundaries

The issue of boundaries demarcation cannot be ignored when consideration is being given to the reform of the Local Government system in Trinidad. Such a review ought to be conducted with a view to facilitating effective service delivery, coordination among government agencies as well as integrated national and regional development planning. Apart from the need to create synergies in terms of effective management of resources, service delivery and administrative coordination and integrated development planning the problem is compounded by the fact that various central agencies utilise their own administrative districts, some of which have been based on the old county and ward boundaries.

It is therefore recommended that in order to facilitate a smooth, coordinated approach to the management and delivery of services to the public, the use of wards, counties and other administrative districts by different Government agencies be stopped and all Government departments and agencies utilise the common boundary demarcation of the Municipalities throughout Trinidad.

In the circumstances, it is recommended that the fourteen Municipalities in Trinidad be maintained albeit with some adjustments to the boundaries in the following Municipalities:

- a. In the Municipality of San Juan/ Laventille, the Elections and Boundaries Commission will be mandated to keep the same twelve (12) electoral districts in the City of Port-of-Spain and adjust the boundaries.
- b. In the Municipality of Tunapuna/ Piarco, the electoral district of St. Joseph/ Valsayn should be relocated to the Municipalities of San Juan/ Laventille Regional Corporation.
- c. In the Municipality of Tunapuna/ Piarco, the electoral district of La Horquetta/Talparo should be relocated to the Municipality of Arima Borough Corporation.

## 8.0 Legislation

The reform of Local Government will not be meaningful unless the enabling legislation is amended or if necessary, repealed and replaced to give effect to the changes recommended. There are various pieces of legislation that govern the operations of the Municipal Corporation (Appendix F refers). The Municipal Corporations Act No. 21 of 1990 and its associated amendments outline the primary legislation that govern the operations of the Municipal Corporations. Attached at Appendix G is the legislative brief outlining the proposed amendments to be made to the Municipal Corporations Act.

As the remit of the Municipalities is expanded, some of the key legislative changes to be considered include:

- The term of office for Councils be revised to every four (4) years;
- To give effect to the Executive Authority to the Councils of Local Government bodies, with Councillors and Aldermen operating on a full-time basis and being paid a salary;
- The amendment of the Integrity in Public Life Act and other relevant legislation to include Chief Executive Officer, Deputy Chief Executive Officer and other senior management staff;
- The amendment of legislation to afford Local Government bodies the authority to collect and retain for use Property Taxes and fines as identified. However, this may be subject to a proposal to ensure equity in the allocation as some Corporations, though smaller, may collect significantly higher revenues based on the location of major industries and or large businesses within the Municipalities. In the circumstances, it is suggested that Property Taxes be collected and placed in a central pool for distribution to Corporations based on a formula taking into account population size, urgent need for infrastructural development and other amenities;
- The expansion of the number of standing committees to facilitate the inclusion and management of additional responsibilities to Local Government bodies;
- Significant review of the sections governing the Municipal Police to give effect to its expansion as stated in Government's policy and to give clear and precise guidelines of the chain of command to facilitate the effective management of the Municipal Police Service in achieving the stated objective;
- Entrenchment of the decentralisation of Social Service delivery mechanisms as a key function of Local Government bodies taking into account the pieces of legislation which govern the

Senior Citizens' Pension Act 32:02, Public Assistance Act 32:03, and the Disability Assistance Grant provided for under Section 11A of the Public Assistance Act 32:03;

- The entrenchment of the Litter Prevention Wardens and all environmental issues, the clearing of vacant lots, the rodent and vector control and all other sanitation issues now provided for under the Public Health Act under the jurisdiction of the Ministry of Health, together with improved penalties and sanctions to ensure their workability;
- The review of sections of the Act governing the Building Inspectorate with a view to accommodate the expansion of this department, as catered for in the Planning and Facilitation of Development Act No. 10 of 2014 and to give rise to the Municipal Planning Department;
- The entrenchment of the Disaster Management Units of the Local Government bodies as first responders in any disaster situation and provide for the strengthening of these units to respond effectively;
- The amendment of the Burial Grounds Act Chapter 30:50 and all other related Acts to allow for the functions that are carried out by the Minister to now be the remit of the Council. These include inter alia, exhumation and discontinuation of burial;
- The penalties associated with the sale of marketable commodities in the Municipalities are not dissuasive and should therefore be increased. Furthermore, penalties should not be limited to fines but include provision for incarceration;
- Drugs should not be a marketable commodity and no sale of drugs should be allowed in a market;
- Generally all penalties in Part VIII to be increased;
- The amendment of Part IX to remove reference in section 210(1) to the Twelfth Schedule which would contain a list of merchandise, goods, provisions etc. exempted from the requirement of a licence;
- The amendment of nomenclature "Treasurer" wherever it occurs to "Financial Officer" ;
- Section 269 (1) remove reference to "specific directions"; delete (2)
- Section 232 – (c),(d),(e) remain as miscellaneous, (g) would have to be changed to primary function; check what was deleted in section 232 by Act No 8 of 1992;
- Section 233 (2) (b) change "Government Corporations" to "Local Government Corporation". Include (d) to advocate and lobby on behalf of its members who are Local Government practitioners for better terms and working conditions (e) to forge relationships and collaborate with regional and international Local Government bodies to share best practices;

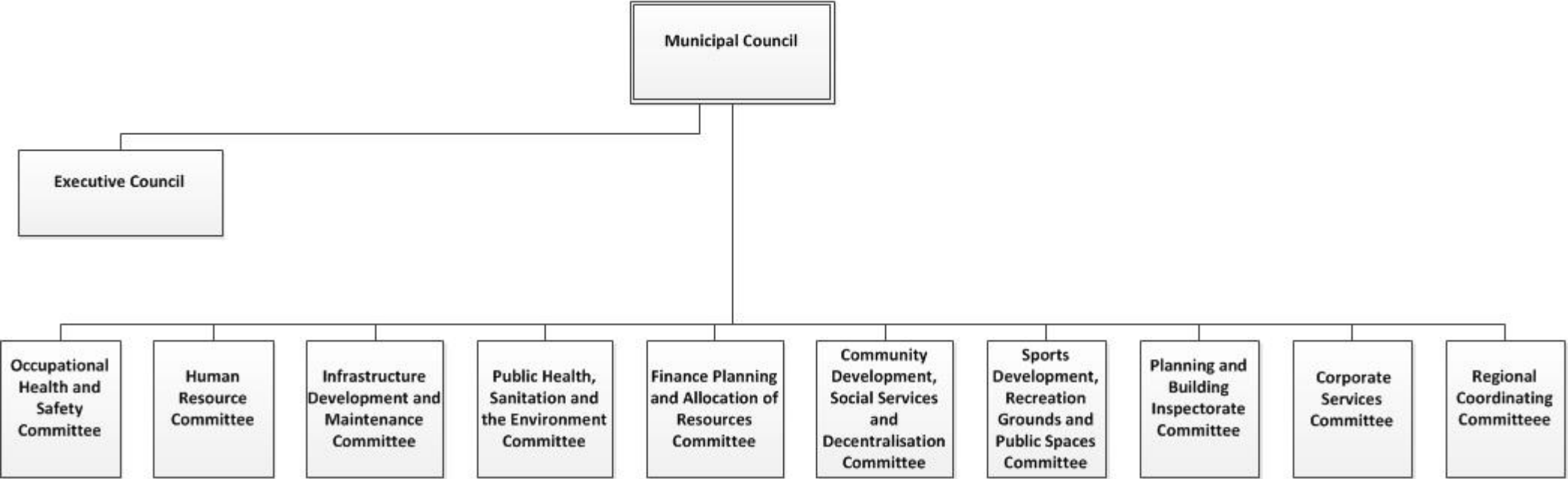
- Section 234 (1) delete not fewer than 5 – amend to rephrase “five members including all elected Mayors and Chairmen who were not elected in the committee”;
- Verify what Section 236 -252 were prior to them being repealed by Act 8 of 1992;
- Section 253 (2) (1) delete reference to Minister appointing and simply allow “Council to require”. Amend (1) and (2) as Committee will now be the Standing Committee under Section 69;
- Section 69 to be amended to have new Committee (pg. 35);
- Section 254 to be deleted;
- Section 31 (1) delete “is guilty” and rephrase with “commits an offence” (2) delete “is guilty” and rephrase with “commits an offence”;
- Amend section 35 – remove discipline from Commission to CEO;
- Section 220 “an information or complaint”



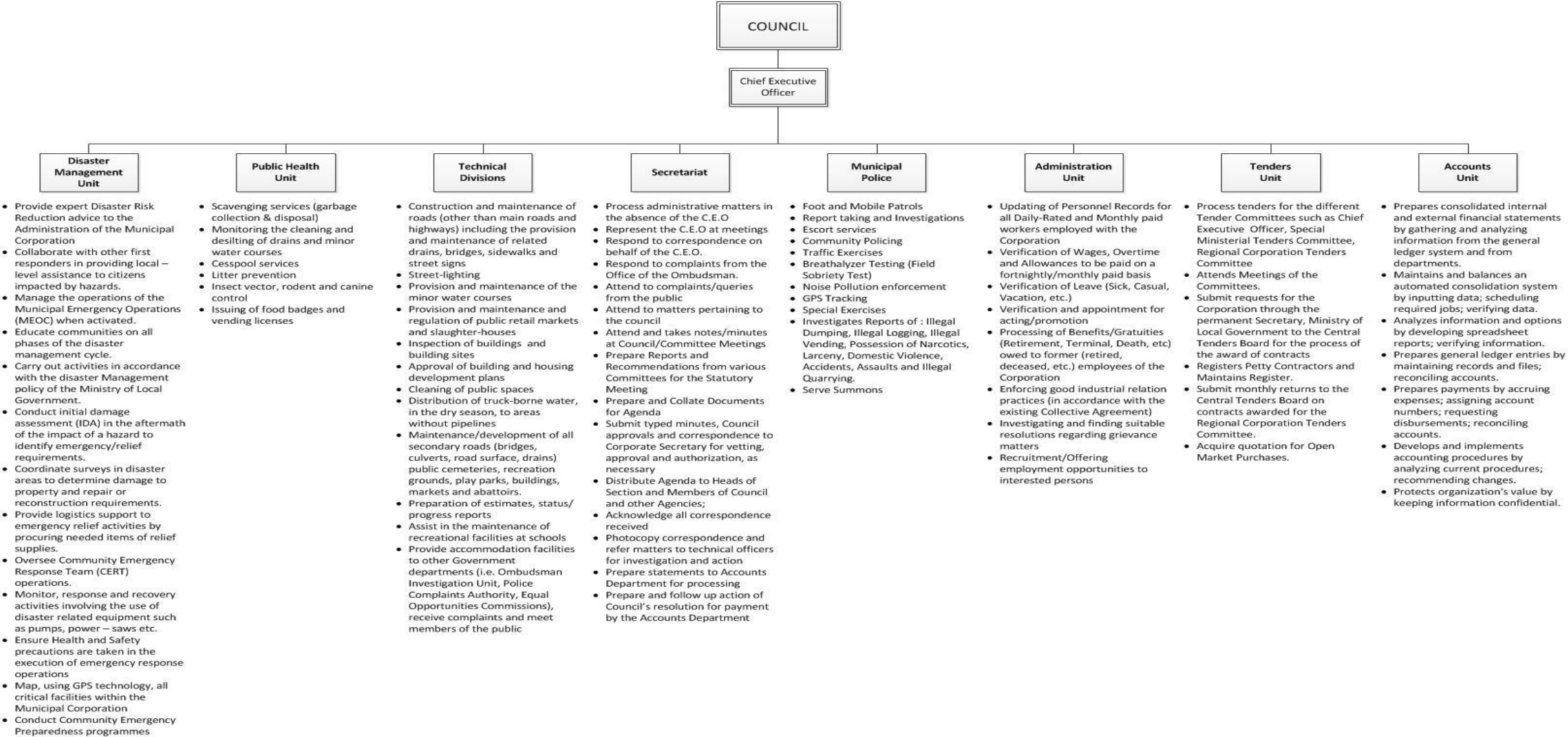
## 9.0 Conclusion

Many countries have seen a number of changes in Local Government and have been supportive of decentralised governance. Local Government is the democratic representative of communities. It is closer to the people than Central Government and can be dubbed the ‘voice’ of communities. The People’s National Movement will ensure that with the devolution from the Ministry of Local Government, the Municipal Corporations report directly to the Ministry of Finance, particularly on fiscal matters, and are adequately equipped and resourced to provide quality service to their communities and make improve the quality of life for all citizens.

# Council Structure

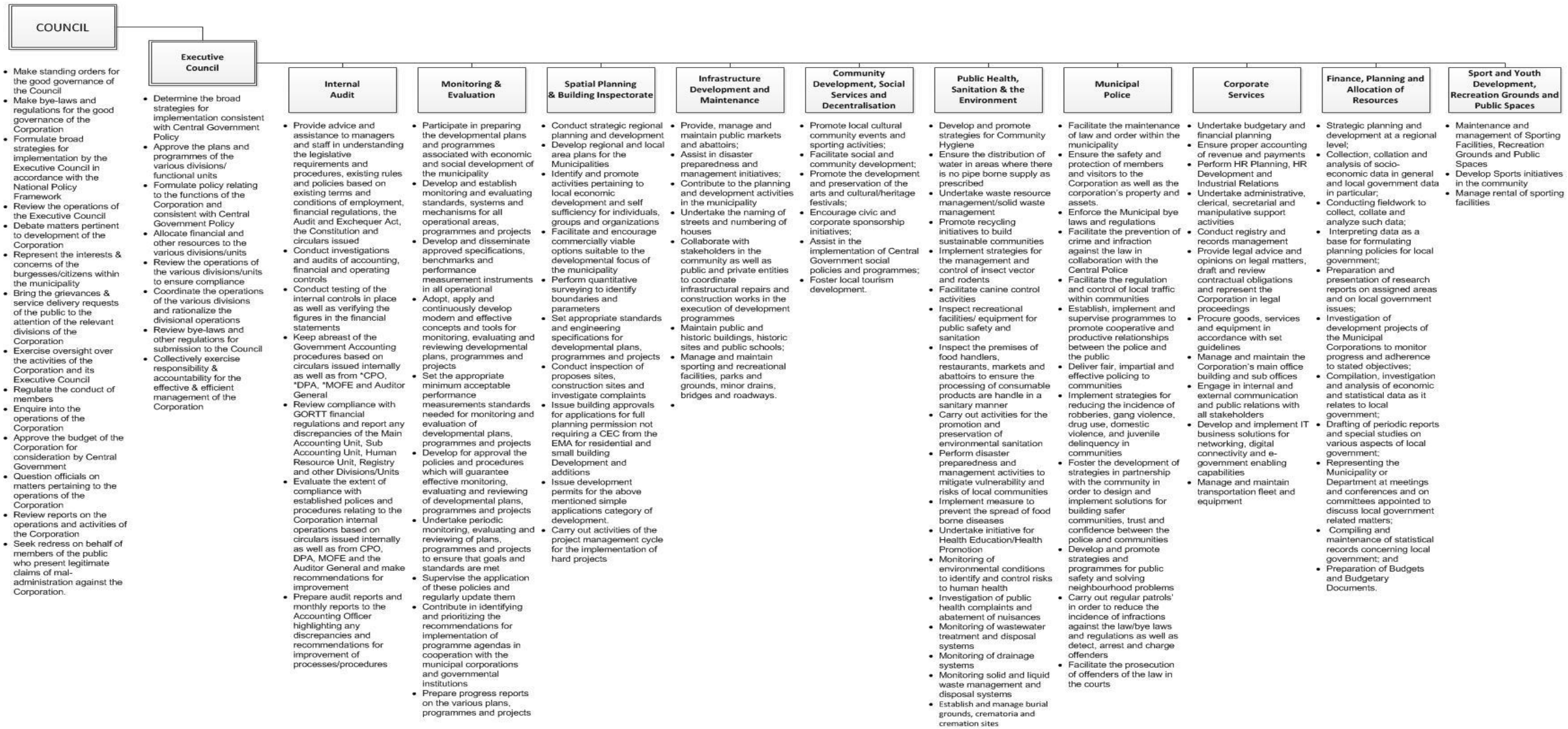


MUNICIPAL CORPORATION  
Existing Functional Structure (Example)

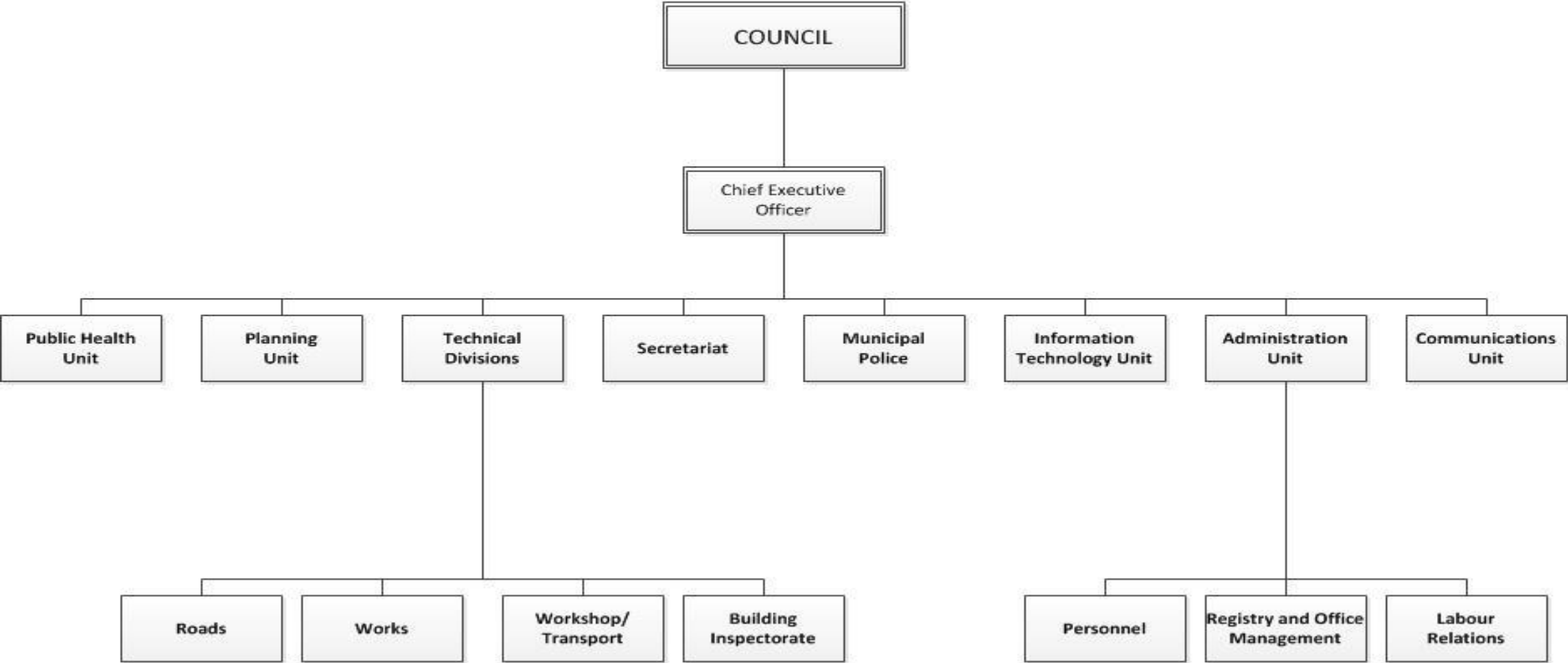




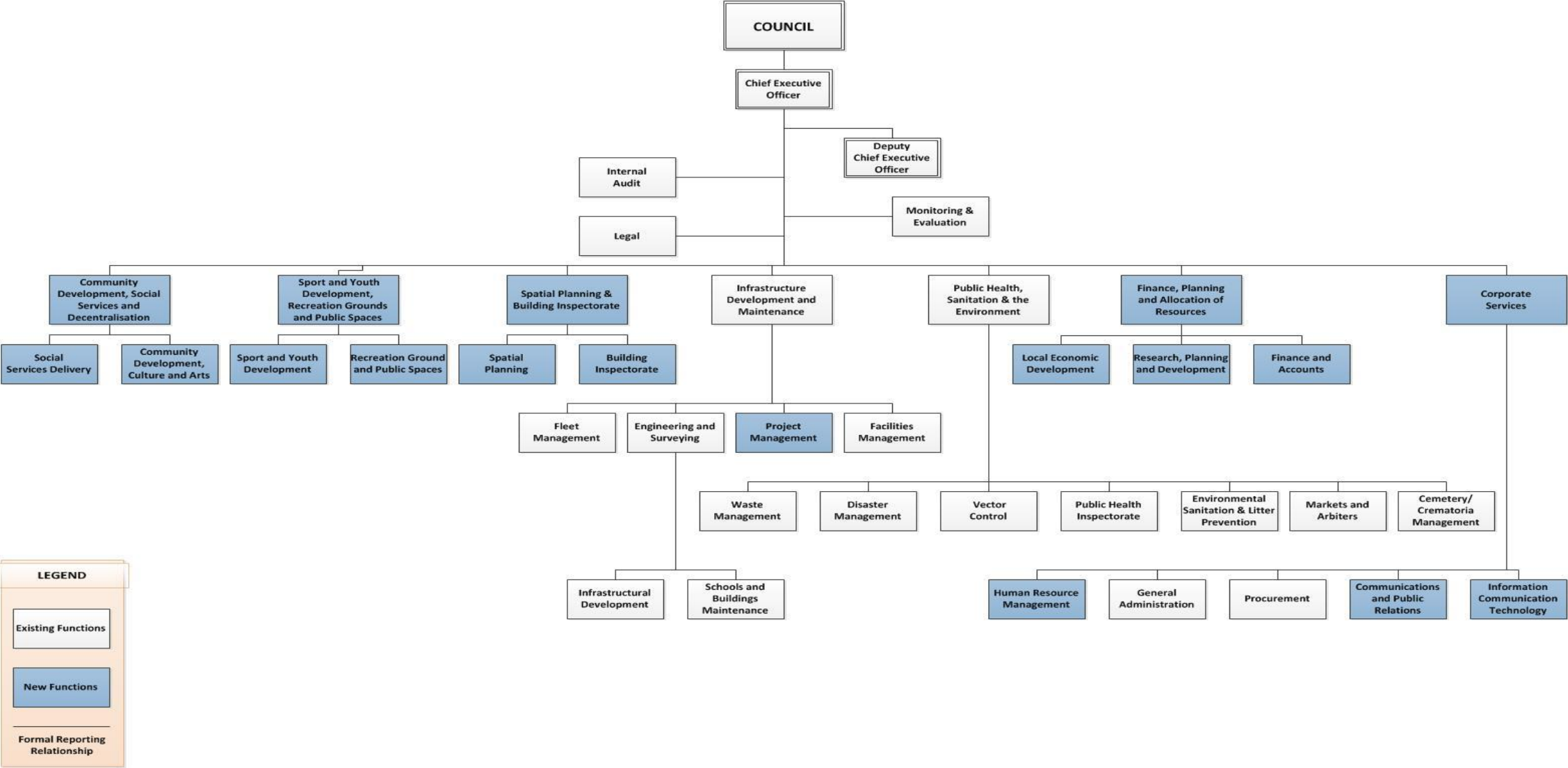
MUNICIPAL CORPORATION  
Proposed Functional Chart (Sample)



**MUNICIPAL CORPORATION**  
**Existing Organisational Structure (Example)**



MUNICIPAL CORPORATION  
Proposed Organisational Chart (Template)



### **Legislation relevant to Local Government and Municipal Corporations**

The following is a list of the various pieces of legislation that impact the operations of the Municipal Corporations.

- The Constitution of the Republic of Trinidad and Tobago
- The Municipal Corporations Act No. 21 of 1990
- The Tobago House of Assembly Act 1996
- The Exchequer and Audit Act
- The Representation of the People Act
- The Land and Building Taxes Act
- The Town and Country Planning Act
- The Planning and Facilitation Act
- The Highways Act
- The Statutory Authorities Service Commission Act and Regulations
- The Public Service Commission Act and Regulations
- The Civil Service Act and Regulations
- The Burial Grounds Act and Regulations
- The Public Health Ordinance
- The Recreation Grounds and Pastures Act and Regulations
- The Litter Act
- The Cremation Act
- The Valuation of Land Act
- The Socially Displaced Persons Act
- The Mental Health Act
- The Dog Act
- The Dangerous Dogs Act
- The Advertisements Regulations Act
- Bye-Laws ( All Corporations)
- Vesting Orders (All Corporations)
- Standing Orders (All Corporations)

### **LEGISLATIVE BRIEF FOR THE PREPARATION OF AMENDMENTS TO THE MUNICIPAL CORPORATIONS ACT**

#### **(1) BACKGROUND**

As early as 1726, Municipalities were established in some form. The “Cabildo” as it was called exercised wide executive powers and performed a wide range of functions. The Cabildo appointed chief judges, supervised markets, scavenged and repaired streets. They controlled the police, the jail, the admission of doctors and surgeons and levied taxes on alcohol and shops. When Governor Chacon was appointed however, he limited the powers of the Cabildo and moved it from St. Joseph to Port-of-Spain. Under British rule, the scope for the Cabildo’s powers were again curtailed as there was now an attempt to create British styled Municipalities. As such the Cabildo was then transformed into the Town Council of Port-of-Spain and consisted of twelve members of Council and the Governor who served as President of the Council.

Soon with the growth of Port-of-Spain the Town Council of Port-of-Spain was granted borough status in 1853 and became the Council of Port-of-Spain with the first Mayor. The British however revoked borough status in 1899. Port-of-Spain was then made a city in 1914. San Fernando gained borough status in 1853, the same time that Port-of-Spain was granted borough status but was made a city in 1899. Arima became a borough in 1888. Point Fortin became a borough in 1980 and Chaguanas became a borough in 1990.

The other areas of Trinidad fell under a system of County Councils since 1945. This was introduced on the impetus of Governor Sir Hugh Clifford who first chaired a committee to inquire into and report on the extension of Local Government in Trinidad. In 1945 and subsequently in 1946 legislation was introduced to govern the County Council system. The County Councils which comprised elected members were not given any executive power but were advisors to the central colonial government in matters relative to housing, land settlement, school buildings, health, hospitals, water, sanitation, roads, markets, pastures, abattoirs, cemeteries, police stations, public buildings and social services.



In 1952 the County Councils were given executive powers and became local authorities for the areas in their electoral districts. They were empowered to give financial and other assistance to communities and district Councils and the erection of community halls and centres. They were also responsible for local roads, cemeteries, recreation grounds and markets. The County Councils now comprised two aldermen and a Councillor and was headed by a Chairman.

In 1990 there was a move to bring the county Councils into the Local Government landscape through a new piece of legislation. The new Local Government landscape was intended to give a new landscape and sought not only to create a new paradigm for the county Councils but also the cities and boroughs by bringing them under one piece of legislation rather than 5 separate pieces of legislation. The 1991 Act has been amended 13 times with the last amendment occurring in 2014.

Since 1991, however, the Local Government bodies have laboured under administrative bureaucracies that have meant that the burgesses have not received the services they require.

### ***The Executive-***

The Councils of the Municipalities are elected based on the numbers in the Third Schedule of the Act and Orders made by the President under section 5(2) as follows-

	<b><i>Name of Municipality</i></b>	<b><i>Number of Electoral District</i></b>	<b><i>Number of Aldermen</i></b>
1.	City of Port-of-Spain	12	4
2.	City of San Fernando	9	4
3.	Borough of Arima	7	4
4.	Borough of Point Fortin	6	4
5.	Borough of Chaguanas	8	4

A Councillor is elected for three year periods under section 11(4). In respect of Aldermen, the period is also three years in accordance with section 12(5). Unlike Councillors, Aldermen are not required to reside or be owners in the Municipality in which they are being elected, however, they are required to possess demonstrated knowledge, expertise or experience in professional or vocational occupations suitable to the development focus of the Municipality. While it has been recommended that the Councillors possess certain qualifications and experience they are elected officials and it is not felt that

their qualifications be stated in law. **It is recommended that the term of office of Councillors should be increased from three (3) to four (4) years.**

#### **Replacing a Mayor where removed through death, resignation, removal or disqualification**

Under section 21(4) of the Act where the Mayor, dies, resigns is removed or is disqualified the Deputy Mayor is required to succeed the Mayor and continue as Mayor until the date when the Mayor would have gone out of office at the end of his term. **It is recommended that the section be amended to require that a by-election be held to elect a new Mayor once the Mayor, dies, resigns, is removed or is disqualified.**

#### **Full-time Councillors**

Under section 17 Mayors, Aldermen and Councillors are required to receive an honorarium out of the revenues of the Corporation at the end of each month. This was in keeping with what the Act previously intended the scope of the functions of the Corporations. With the expanded remit to now include social services and other areas it is felt that the Municipalities would be better served with full-time Councilors, as such, a simple honoraria would not be acceptable and such Mayors, Councillors and Aldermen should be paid as full time Mayors, Councillors and Aldermen.

#### **Administration**

It has been a major complaint that the administrative framework of the Local Government bodies is antiquated and has not kept pace with the current requirements of the municipalities. **It is recommended that the roles and functions as well as the staffing arrangements be expanded to facilitate new responsibilities.**

#### **Administrative Reform**

The administrative structure of the Corporations has not kept abreast of the needs of the Corporations. Further with the expanded remit of the Corporations it is felt that the public offices falling under the Corporations need to also be expanded to include a number of public offices. **It is recommended that the Act be amended to include statutory Departments in each Corporation. These include the inclusion of a –**

- (a) Public Health Unit**
- (b) Disaster Management Unit**

- (c) **Building inspectorate; and**
- (d) **Internal Audit Unit.**

### **Lack of funding**

One of the major complaints of the Corporations has been the inability to carry out their functions because of the lack of secure funding.

Under Part VI of the Act the financial provisions relative to the Corporation are set out. The Councils are required by section 108 to prepare estimates for capital expenditure and the income and expenditure budget. The section prevents the expenditure of any monies on anything not include in the approved estimates without the approval of the Minister of Finance. Under section 109 each Corporation is required to establish a fund in which all moneys received is to be placed and expended from. This is not however a Statutory Fund to which section 43(3) of the Exchequer and Audit Act, Chap. 69:01. Under that section unexpended monies in a Statutory Fund at the end of a financial year is not required to be returned to the Consolidated Fund. This is an exception to the provisions of section 42 of the Exchequer and Audit Act, Chap. 69:01 which require all monies that were appropriated by Parliament which were not expended at the end of the financial year are to be returned to the Exchequer Account. **It is recommended therefore that Statutory Funds be established for each Corporation under the Act so as to ensure that unexpended monies of the Corporations are not returned to the Consolidated Fund in a similar vein as obtains under the Tobago House of Assembly Act.**

**It was also recommended that the Corporations collect any fines and penalties for minor offences committed in the municipality in respect of traffic offences and minor offences under the Summary Offences Act, Chap. 11:02.**

### **Audit Functions**

#### **Property Taxes**

Taxes on land and buildings which were once collected by the municipalities would give the municipalities a substantial part of the revenue they need to function. Prior to 1990, the Cities and Boroughs valued properties and set the tax levels for those properties in the Cities and Boroughs. As a

result the Cities and Boroughs had detailed house rate books in which each piece of land and each building within the City or Borough. Properties not within the Cities and Boroughs were subject to the Land and Building Taxes Act and as such the Board of Inland Revenue was responsible for not only valuing properties but applying the set tax in that Act. In 1987, the Valuation of Lands Act was enacted and the valuation function was removed from the Board of Inland Revenue and placed with the Commissioner of Valuations. In 1990, with the enactment of the Municipal Corporations Act, Part V of that Act made provision for the Corporations to set taxes up to 10 % of the value of the land, value the properties in the municipalities and then apply the tax. Municipalities were required to create new house rate books and until that was done the old house rate books under the Port-of-Spain Corporation, Arima Corporation, San Fernando Corporation and Point Fortin Corporation Acts and the valuation rolls under the Land and Building Taxes Act would continue in force. Since the Cities and Boroughs had old house rate books they continued to use those as a basis of collecting taxes under Part V of the Act however the municipalities falling outside of the Cities and Boroughs never established their house rate books and therefore continued to fall under the Land and Building Taxes Act. With the enactment of the Property Taxes Act in 2009, Part V of the Municipal Corporations Act was repealed. This meant that the Municipalities were no longer entitled to set and collect their taxes whether they did or not. The tax was set under the law and the collection would now be a function of central government. No provision was made for those monies once collected to be distributed to the Municipalities.

**It is recommended that the Corporations be once again empowered to collect Property taxes. There is some debate, however, whether they should be able to spend from those monies collected or whether the moneys should be deposited into a central property taxes fund and then re-distributed based on a set formulae that would see those municipalities who are unable to collect greater sums to be given a larger amount. It is not recommended however that the municipalities be allowed to value properties or set the tax, the tax level would be what is set out in the Property Taxes Act. The Act would therefore have to be amended to allow for such collection. Where the Corporations are to be empowered to collect and spend the Corporations would have to be made not only receivers of revenue but also collectors of revenue. A receiver of revenue can only receive monies on behalf of the State but is not allowed to spend the money however a collector can receive monies on behalf of the State and spend the monies. It must be determined how the penalties for non-payment would be dealt with**

### **Municipal Police**

Under Part III of the Act there is established in each Municipality a Municipal Police Service (“MPS”). The members of the MPS are public officers and the Public Services Commission is responsible for their appointment, discipline and termination. The officers of the Municipal Police Services report to the Chairman of the Corporation. The Commissioner of Police issues precepts for such officers and may at any time require a Municipal Police Officer to perform and discharge duties as members of the Police Service as may be required within the Municipality.

**It is recommended that the Commissioner of Police and the Police Service Commission and the Police Complaints Authority have the responsibility over the Municipal Police Service and this would require amendments to Part III of the Act, the Constitution and the Police Complaints Authority Act, Chap 15:05. The last two amendments would attract special majority votes for passage in Parliament. In relation to the amendment to the Constitution the amendment would require passage with a 2/3 majority of all members of Parliament while the amendment to the Police Complaints Authority Act would attract the need for a 3/5 majority of all members voting.**

### **Expanded Remit of the Corporations**

Currently the Corporations have responsibility for streets and buildings, markets and slaughterhouses, pedlars, hawkers and hucksters within the Municipality. It is intended to expand the remit of the Corporations to now include social services. The extent to which social service delivery should occur is to be determined having regard to the fact that we are a very transient society and persons who are in receipt of the various grants be it pensions, or social assistance or disability often move from one Municipality to another. If the Municipalities are given the remit to pay the grants it becomes a complicated issue of which Municipality should pay the grant if the person subject of the grant moves to another Municipality.

**It is recommended that the Third Schedule list under the Tobago House of Assembly Act be employed to expand the remit of the Corporations but remembering that it is the Corporations are about service delivery and not policy making.**

## **(2) PRINCIPAL OBJECTIVE**

The principal objective behind the amendments is to give Local Government bodies a greater degree of autonomy in their finances while enlarging their responsibilities and changing the administrative structure of the Municipal Corporations.

## **(3) CONSULTATIONS**

There have been numerous consultations over the years resulting in reports and white papers in respect of Local Government reform. Over the period December, 2015 to April, 2016 the Ministry of Rural Development and Local Government hosted 14 discreet consultations on Local Government reform. A compilation of the comments emanating from those consultations are attached at Appendix xx.

## **(4) COMING INTO FORCE DATE OF ALL OR PARTS OF THE LEGISLATION.**

There will be a need to provide for the coming into force of different parts of the amended legislation at different times. This is to facilitate the putting in place of the administrative mechanisms that would be required to be established to facilitate operations under the new administrative paradigm.

## **(5) ACTS OR REGULATIONS AFFECTED BY THE ACT AND THE NATURE OF SUCH AFFECT.**

### ***Municipal Police***

#### ***The Republican Constitution***

Currently Municipal Police Officers are appointed by the Public Service Commission. Since it is recommended that the Municipal Police Officers fall under the Police Service Commission it is necessary in order to bring the Municipal Police under the Police Service Commission, to amend the Constitution. The Police Service Commission is enshrined in the Constitution under Part VI. Amendments to Part VI to bring Municipal Police Officers under the ambit of the Police Service Commission would require as provided for by section **54(2)(a)** of the Constitution that the amendment be passed in Parliament with a special majority of 2/3 votes of all members voting.

### ***Police Complaints Authority Act, Chap. 15:05***

Municipal Police Officers are not subject to the Police Complaints Authority Act, Chap. 15:05. In order to bring them under the scope of the Police Complaints Authority it would be necessary to amend the Police Complaints Authority Act, Chap. 15:05 and the amendments are required to be passed with a 3/5 special majority.

### ***Property Taxes Act, 2009***

Under the Property Taxes Act, 2009, the Board of Inland Revenue is empowered to collect all property taxes. Where the recommendation is to allow the Corporations to collect property taxes set under the Property Taxes Act and then retain the taxes or to deposit in a separate Property Taxes Fund to be distributed in accordance with a set formula then the Property Taxes Act would need to be amended. It must, however, be remembered that the Corporations outside of the Cities and Boroughs still do not have house rate books and therefore they would not be able to collect Property Taxes immediately, until the Commissioner of Valuations is able to create the Valuation roll which would filter into the Property Taxes roll. Even for the Cities and Boroughs the Commissioner of Valuations would need to update all of the properties that exist on the house rate books and include them on the valuation roll so that they can filter into the Property Taxes roll since the most recent valuations were done in 2013 in and for San Fernando

A decision, therefore, has to be taken in that regard at the level of the Ministry of Finance. In order to enable the Corporations to now collect the property Tax within the Municipalities it would be necessary to amend the Property Tax Act, 2009.

### **(6) ACT OR REGULATIONS TO BE REPEALED.**

No Act or Regulations in the laws of Trinidad and Tobago is required to be repealed due to the enactment of this legislation.

### **(7) INFORMATION ABOUT RELEVANT BACKGROUND MATERIAL**

There have been various white papers over the years that have considered a number of issues and these have proved useful in determining the amendments that are required to the Municipal Corporations Act.

### **(8) ARE OTHER DEPARTMENTS AND AGENCIES AFFECTED BY THE PROPOSAL AND HAVE THERE BEEN CONSULTATIONS?**

#### **Collection and retention of Property Tax**

- The Board of Inland Revenue
- Treasury Department

#### **Regulation of spatial planning and buildings**

- The Town and Country Planning Division

### **Social Services Delivery**

- The Ministry of Social Services Delivery

### **Public Health**

- Ministry of Health

### **Municipal Police**

- Police Complaints Authority

## **(9) AREAS OF CONCERN ON WHICH ADVICE OF DRAFTERS MAY BE REQUESTED.**

## **(10) PRACTICAL IMPLICATIONS OF THE PROPOSALS AND PROPOSED TIMEFRAMES FOR INTRODUCTION AS A BILL OR ENACTMENT AS A REGULATION.**

Local Government Elections, 2016 are due in October, 2016 and the government has three months thereafter to call the elections. It is not intended that the amendments would take effect before the elections, however, it is intended to lay the Bill to amend the Act and the Constitution together with all consequential amendments by September, 2016. The process involves first having the policy approved by the Inter-Ministerial Committee and thereafter amended or adjusted by the Technical Committee. Once the Inter-Ministerial Committee gives final approval of the policy, the policy would be taken to Cabinet. Since the Bill has cost implications for the State, Cabinet may require its sub-committee, the Finance and General Purposes Committee (“FGP”) to examine the cost implications of the reform to the State before it approves the policy. The FGP may require further information before it recommends Cabinet approve the policy. Once the policy is approved by Cabinet, Cabinet would require drafting commence on the amendments. Upon completion of the draft Bills the Technical Committee will deliberate on the Bill and make the necessary amendments to the Bill before it is sent to the Inter-Ministerial Committee. Upon the Inter-Ministerial Committee approval of the Bill, the Bill will be sent to Cabinet which will send the Bill to the Legislation Review Committee for consideration and comparison to the policy document. Upon the Legislation Review Committee completing its consideration and approving the Bills, they will be sent to Cabinet for approval and approval for laying in Parliament. It must be remembered that the amendment to the Constitution and the amendment to the Police Complaints Authority Act, Chap 15:05 require passage in Parliament with a special majority.



**(11) COST TO THE STATE.**

The cost of the implementation of –

- (a) the new human resource component;
- (b) the new administrative components
- (c) full time Councils

All mean additional costs to the State in the following amounts:

Area	Annual Estimated Cost to State
(a) the new human resource component	
(b) the new administrative components	
(c) full time Councils	

**(12) POLITICALLY SENSITIVE NATURE.**

These amendments are politically sensitive in a number of areas-

- (a) The Bill *simpliciter* as it deals with Local Government is politically sensitive;
- (b) The increasing of the terms of office of the Councillors and Aldermen from 3 years to 4 years;
- (c) Requiring Mayors who demit office otherwise than through effluxion of time to be re-elected;
- (d) The collection by the Municipal Corporations of property taxes and the retention of the monies collected;
- (e) The bringing of the Municipal Police under the purview of the Police Service Commission and the Police Complaints Authority.

**(13) CONSTITUTIONAL MAJORITY**

The amendments to the Constitution to make the Municipal Police subject to the Police Service Commission requires by section 54(2)(a) the passage of the amendment by the votes of 2/3 majority of

votes. Further to make Municipal Police Officers subject to the Police Complaints Authority Act, Chap. 15:05 would also require passage with a special majority of 3/5 of all members of Parliament voting as was first obtained for the members of the Police Force who now fall under the Act.

**(14) CASE LAW**

There has been no case law relative to the amendments that are being sought either locally or internationally.

**(15) INTERNATIONAL CONVENTIONS**

No international Conventions apply to the proposed amendments

**(16) RETROSPECTIVITY**

There is no intention to make this legislation apply to any past dates.

**(17) SAVINGS AND TRANSITIONAL PROVISIONS**

## Appendix H

### MUNICIPAL CORPORATIONS ACT

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
1. Short title and commencement	✓			
<b>PART I</b>				
2. Interpretation	✓			
3. Continuation of former Municipal Corporations	✓			
4. Establishment of new Municipal Corporation	✓			
5. Application of Acts	✓			
6. Content of Orders	✓			
7. Continuation of powers, rights and property of preceding Corporations	✓			
7A. Vesting of powers, rights and property in the State	✓			
<b>PART II CONSTITUTION AND GOVERNMENT OF MUNICIPAL CORPORATIONS</b>				
8. Constitution of Municipal Corporations			✓ Title should be amended in the First and Second Schedule	
9. Extent of Municipalities				
10. (1) Constitution of Council (2) (3) (4)	✓ ✓	✓		

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
(5) (6) (7) (8)(g)	✓ ✓ ✓		<p>✓ Term of office should be increased from 3 years to 4 years</p> <p>✓ What is “hold any officer or place of profit/” With the move to full-employment this provision can remain with amendments for clarity.</p>	
11. Councillors representation, term of officer and qualification				
12. Number, qualification and term of officer of Aldermen (1) (2) (2A) (3) (4) (4a) (5) (6)	<p>✓</p> <p>✓ ✓ ✓</p>		<p>✓ Amend to include civil society</p> <p>✓ Term of aldermen should be changed from 3 to 4 years. Reference to triennial period should be amended</p>	<p>(1)Based on contributions from consultations- should the requirement that an alderman not reside in a municipality be removed?</p> <p>(2A) It may be necessary to change the numbers in Schedules 2 and 3 to ensure that the numbers are off for voting purposes</p>
12A. List of Aldermen	✓			
12B. Definition of Party	✓			
13. Method of election of Aldermen	✓			
13A. Requirements for first meeting of Council	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
13B. Oath of Aldermen	✓			
14. Election of Mayor and Deputy Mayor	✓			
15. Term of office and honorarium of Mayor	✓			
16. Removal of Mayor as Chairman	✓			
17. Honoraria and allowances Convenor			✓ Honoraria to change to salary	
18. Regulations prescribing allowances payable to holders of corporate office	✓			
19. Transitional holders of corporate office to continue to hold office until election			✓ Section spent	
20. Mayor and Deputy mayor to be Justices of the Peace	✓			
21. Deputy Mayor to act for Mayor (1) (2) (3) (4) (5) (6)	✓ ✓ ✓  ✓ ✓		✓ Include provision for the re-election of a Mayor who demits office by resignation, death etc.	
22. Penalty refusing to accept office	✓			
23. Recovery of fine	✓			
24. Declaration of acceptance of office	✓			
25. Fine on resignation	✓			
26. Eligibility	✓			
27. Vacation of corporate office	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
28. Person elected to corporate office may declare that he is not qualified	✓			
29. Issue of writ for election	✓			
30. New election in certain cases	✓			
31. Penalty (1) (2)			✓ “guilty” to be replaced with “commits an offence”	
32. Validity of acts of corporate officer notwithstanding disqualification	✓			
33. Validity of election notwithstanding want of qualification of returning officer	✓			
34. Officers of a Corporation			✓ include general staff	
35. Appointment of Officers			✓ Section should be amended for clarity due to the ambiguity as to the qualifying words “First Schedule” and “Second Schedule”	It must be decided whether the Municipal Corporations should fall under the Statutory Authorities’ Service Commission or the Public Service Commission rather than both as presently exist or whether there should be a new Commission.  Discussion is to be had on the transfer of officers from the PSC to the SASC.
36. Chief Officers (1)		✓	✓ (1) Administrative structure to be amended to signify that the CEO is responsible	

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
(2) (3)	✓ ✓		for the day-to-day operations and that other persons report to him. Also the administrative structure should be expanded with a Chief Officer to head each unit. ✓ (2) Amend the nomenclature Treasurer to Financial Officer	
37. Vacancy in office of Chief Officer			✓ There should be a validation clause	
38. Functions of the Chief Executive Officer	✓			
39. Functions of the Corporation Secretary	✓			
40. Functions of the Treasurer	✓			
41. Functions of the Engineer	✓			
42. Functions of the Medical Officer of Health	✓			
43. The Chief Public Health Inspector			✓ Title of Municipal Health Inspector should change ✓ Municipal Officers should be empowered to enter onto premises with either notice and warrant of the Court or simply by Notice ✓ Section should empower the Municipal	New section should be included to define the structure of the Corporations

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
			Health Inspector to enter and search. The Municipal Health inspector would report to the Medical Officer of Health	
44. Accountability of Officers	✓			
45. Employees other than officers of the Corporation	✓			
46. Council to consult appropriate organisation	✓			
47. Appointment of bailiff	✓			
<b>PART III MUNICIPAL POLICE SERVICE</b>	<i>It must still be determined what would be the reporting mechanism for the Municipal Police Force and whether other amendments would need to take place to the Constitution to bring the Municipal Police under the Jurisdiction of the Police Service Commission and the Commissioner of Police.</i>			
48. Municipal Police Service	✓			
49. President may issue arms to Service	✓			
50. Precept by Commissioner of Police	✓			
51. Badges and Uniforms	✓			
52. Authority of Police Commissioner	✓			
53. General powers and immunities of Municipal Police Officers	✓			
54. Offenders may be arrested without warrant (1)			✓ All offences should be included	
55. Power to bail				Should bail amount be increased from \$2000
56. Municipal Police Officers may lay information and conduct proceedings	✓			
57. Sale of stolen or abandoned property	✓			



Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
58. Certain Municipal Police Officers to be Justices	✓			
59. Policing beyond boundaries of Municipality	✓			
60. Regulations for Municipal Police Service	✓			
60A.	✓			
61. Regulations respecting arms	✓			
<b>PART IV MEETINGS AND PROCEEDINGS OF THE COUNCIL OF A CORPORATION</b>				
62. Meetings			✓ Remove reference to Minister	
63. Notice of meetings			✓ Remove Reference to Minister	
64. Chairman of meetings	✓			
65. Quorum			✓ Quorum should be amended to ½ of members plus one	
66. Standing Order			✓ Amend for clarity	
67. Voting			✓ Section should be subdivided into three subsections.	
68. Appointment of committees	✓			
69. Standing Committee			✓ Amend to reflect new organisational structure	
70. Sub-Committees	✓			
71. Minutes signed by Chairman to be evidence	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
72. Meetings deemed to have been duly convened	✓			
73. Delegation of powers of the Council to Committee	✓			
74. Travelling expenses of Committees	✓			
75. Open meetings	✓			
<b>PART V HOUSE RATE</b>				Part V has to be examined in conjunction with the Property Tax Act. If the tax is collected it is to be put into a fund and then re-distributed to the 14 Corporations
76. Interpretation	✓			
77. Annual house rate to be levied			✓ to include reference to Property tax	
78. Annual rateable value	✓			
79. Assessor to be appointed	✓			
80. Assessor to ascertain rateable value	✓			
81. Assessor and Council may require returns from owners	✓			
82. Mode of determining annual rateable value	✓			
83. Returns to be submitted to Chief Executive Officer	✓			
84. House rate Book	✓			
85. New valuations to be made every three years	✓			
86. Notice of completion of House Rate Book to be published	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
87. Omission to enter hereditament in House Rate Book does not affect liability to be rated	✓			
88. Assessment of rateable hereditament coming into being after completion of House Rate Book	✓			
89. Rate payable where house is erected on premises which are already assessed	✓			
90. Valuation of premises in Municipality after alteration of boundary. Enactments and Bye-laws applicable to Municipality to extend to added area	✓			
91. Assessor to notify owner of annual rateable hereditament	✓			
92. Owner to notify Chief Executive Officer of objection to valuation	✓			
93. New assessments after completion of House Rate Book	✓			
94. Decision of Commissioner of Valuations final unless appeal is filed	✓			
95. Appeal from decision of Appeal Board	✓			
96. Appellant to enter into recognisance	✓			
97. Certified copy of notice of appeal to be sent to respondent	✓			
98. Valuations which have been varied or altered to be entered in House Rate Book	✓			
99. Owner to pay annual rate	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
100. Rate to be charge on premises and may be recovered by distress	✓			
101. Date when rate payable	✓			
102. Treasurer to apply money to arrears	✓			
103. Return of warrant by bailiff	✓			
104. Payment by Government of annual sum in lieu of rates	✓			
105. House Rate Book to be evidence of valuations and rates	✓			
106. Errors etc. not to affect liability to rate. Council may correct errors in notice or House Rate Book	✓			
107. Change of ownership to be noted in House Rate Book	✓			
<b>PART VI</b> <b>FINANCIAL PROVISIONS</b>				
108. Annual estimates  (1)			✓ Amend to read Minister of finance. (1) Suggested amendment- “ Every Council shall, on or before the day prescribed by the Minister with responsibility for finance , prepare and submit to the Minister for his approval true estimates of – a)Capital expenditure and the financing thereof; and	

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
<p>(2)</p> <p>(3)</p> <p>(4)</p> <p>(5)</p>	✓		<p>b)an income and expenditure budget, for the financial year commencing on the 1<sup>st</sup> October next following and the Minister may make such amendments thereto as may be considered expedient.</p> <p>The Third Schedule should be updated to include all 14 MCs with the number of electoral districts and number of aldermen for each 14 Corporations.</p> <p>(5) Redraft in accordance with National Budget.</p>	(4) Budget Division, Ministry of Finance to provide
<p>109. Corporation fund and collection of fees, rates and taxes</p> <p>(1)</p> <p>(2)</p> <p>(3)</p>	<p>✓</p> <p>✓</p>		<p>✓ Amend to include court fines</p>	
110. Mayor's fund			<p>✓ Include entertainment allowances for Mayors and Chairmen</p>	

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
111. Moneys to be paid into approved banks	✓			
112. Applications of funds (a)-(c) (d) (e)-(h) (i)-(j)	✓  ✓	✓	(d) Additional responsibilities as referred to in the Schedule	
113. Form of accounts and audit	✓			
114. Appeals and applications for relief	✓			
115. Payment and recovery of sums certified to be due  (2)			✓ amend all references of “treasurer” with a reference to “accounting officer”  ✓ (2) empower Corporations to hire auditing firms of needed on the advice of the Auditor General	
116. Signatures of cheques and receipts	✓			
117. Council may make Resolutions			✓ to include a reference “in keeping with the Exchequer and Audit Act”	
118. All financial matters to be submitted to Finance Committee	✓			
119. Corporation may borrow money			✓ empower Corporations to borrow money	
120. Power to alter allocation of moneys	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
121. Disability of members through conflict of interest			✓ penalties to be included and where there are breaches such breaches should be reported to the relevant parties	
122. Officers to declare interest in contracts			✓ fines should be increased and regulations be established for Council meetings where there are conflict of interest	
123. Acquisition and alienation of corporate property			✓ fines should be increased	
<b>PART VII STREETS AND BUILDINGS</b>				
124. Interpretation (1)  (2)	  ✓		✓ use definitions in Municipal Planning subcommittee report	
125. Breaking up of pavement or obstruction of street without prior consent (1) (2) (3) (4)	 ✓ ✓ ✓		✓ increase fines from \$5000.00 ?	
126. Execution of works and restoration of streets	✓			
127. Encroaching upon streets	✓			
128. Bridge over side-drains	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
129. Enclosure of land			✓ Amend to strengthen enforcement Planning and facilitation	
130. Taking over streets and widening or other improvements effected by the Council	✓			
131. Fountains, statutes and monuments	✓			
132. Council may plant, maintain or cut down trees in streets	✓			
133. Overhanging trees	✓			
134. Bye-laws dealing with the use of streets	✓			
135. Seizing animal or vehicle on streets			✓Amend to say what to do with the animal or vehicle when seized	Decision to be taken as to what to do with the animal or vehicle when seized
136. Sanitary conveniences	✓			
137. Bye-laws regarding sanitary conveniences	✓			
138. Naming of streets and numbering of houses	✓			
139. Streets names, and buildings numbers to be displayed	✓			
140. Publication of resolution relating to naming or numbering	✓			
141. Penalty for removing or defacing number or name plates application	✓			
142. Application to erect poles				
(1)	✓			
(2)	✓			



Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
(3) (4)	✓		✓ amend to substitute “Engineer” for “Chief Technical Officer (Ministry of Works)”	
143. Erecting pole without previous consent of Council	✓			
144. Council may order removal of poles	✓			
145. Obstruction of drains	✓			
146. Council may pave or repave footway	✓			
147. Engineer to notify owner of intention to pave	✓			
148. Power to alter line of and widen or lessen footway	✓			
149. Crossings for vehicles over footways			✓ Delete reference to “Town and Country Planning “ and replace with “Planning and Facilitation of Development”	
150. Certain signs prohibited (1) (2) (3)	✓		✓ Delete the words “any applicable Regulations made under section 21 of the Town and Country Planning” and substitute the words “Planning and Facilitation of Development”	

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
			✓ Delete the words “any Regulations made under section 21 of the Town and Country Planning” and substitute the words “the Planning and Facilitation of Development”	
151. When licence to be void	✓			
152. Awnings	✓			
153. Length of awnings	✓			
154. No advertisement on footways	✓			
155. Hanging goods over footways	✓			
156. Signs, awnings, etc., contrary to the Act may be removed	✓			
157. Penalty	✓			
158. Additions to, and alterations of buildings		✓		
159. New building to conform to regulations		✓		
160. Continuation of existing Building regulations		✓		
161. Certificate of compliance with Building regulations		✓		
162. Power of Engineer to order discontinuance of building operations		✓		
163. Council may remove or pull down works executed in contravention of Acts or Regulations.		✓		

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
164. No building to be removed except after notice in the Corporation		✓		
165. Owner of vacant land to notify Chief Executive Officer of removal of house therefrom		✓		
166. Payments of rates before removal of house	✓			
167. Plans deposited to be of no effect if building is not commenced within two years		✓		
168. Penalty for breach of Regularisations with respect to new buildings 169. Building over drain			✓ Repeal and replace with the following: “Any person who, in any Municipality contravenes any of the provisions of this Part or of any Regulations made hereunder commits an offence and is, if no penalty is elsewhere prescribed, liable on summary conviction to a fine of one thousand dollars and, in the case of a continuing offence, to a further fine of one hundred dollars for every day during which the offence continues after notice therefor from the Council.”.	
170. Public buildings not be used until approved		✓		

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
171. Conversion into a public building of building erected for other purposes		✓		
172. Council may require alterations necessary for safety of public		✓		
173. Verandahs projecting over streets (1) (2)	✓	✓		
174. Door not to open over public thoroughfare	✓			
175. Dangerous building notice to owner		✓		
176. Ruinous or dilapidated structure to be demolished or repaired		✓		
177. Structure dangerous or prejudicial to occupier to be demolished or repaired		✓		
178. Failure to comply with notice		✓		
179. Penalty		✓		
180. Sale of structure or part thereof		✓		
181. Expenses to be paid from proceeds of sale		✓		
182. Expenses may be recovered from owners		✓		
183. Hoardings, etc., not allowed on footway or street, except by permission of Engineer	✓			
184. Owner as well as builder liable for contravention of Act or Regulations		✓		
185. Authentication of notice		✓		
186. Notice served on builder		✓		

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
<b>PART VIII MARKETS AND SLAUGHTERHOUSES</b>				
187. Interpretation			✓	Sale of chicken and duck to be included; remove term “drug” from definition of marketable commodity
188. Existing markets			✓	Each Corporation has its individual bylaws one such by law is that no one is to sell marketable produce within one mile from existing markets. The fines for offences under the Act should be reviewed and made relevant.
189. Appointing place as markets			✓	Strengthen legislation to stop vendors from operating outside the confines of the market
190. Notice of opening of new market. Fixing market hours and goods to be sold			✓	Why should Town and Country Planning Act determine locations of markets?
191. Power to close markets	✓			
192. Appointment of Market Administrator and other servants			✓	What Commission appoints a market Administrator and other staff?
193. Inspection for detecting unsound marketable commodities	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
194. Market due			✓	Payment for lease of stall
195. Existing tolls, etc., to continue to be payable	✓			
196. Bye-laws Bye-laws to be exhibited in market and published			✓	Use and sale of illegal substances. Not sell illegal substances in and around premises of the market
197. Markets only in specified areas			✓	Market Location is listed in bye-laws 197(3) and (4) – change to appropriate figure
198. Licence to salesman of meat or fish	✓			
199. Meat and fish to be sold only in public market or licenced shop, etc. Prohibition of sale of marketable commodities not being fish or meat Penalty for breach of subsection (1) Penalty for breach of subsection (2)			✓  Increase penalty from \$1000 to \$5000 and imprisonment for five years	Include prohibition on sale of drugs in markets and increase penalty to \$5000 and five years imprisonment
200. In Regional Municipalities commodities to be sold in public markets or licenced shops, etc.			✓	Why separate Regional Corporations from Boroughs and Cities as both are governed by the same Act 21 of 1990
201. Licences generally	✓			
202. Cold stores to be licensed	✓			
203. Selling meat or fish	✓			
204. Dues payable on meat or fish sold from licensed cold stores			✓	The dues payable to be stated in the bye-laws
205. Bye-laws	✓			
206. Landing of fish for sale	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
207. Provision of public slaughterhouses All animals to be slaughtered at public slaughterhouses			✓ Amend to review all fines	Proposals for new fines to be developed
208. Bye-laws for slaughterhouses and detention stations	✓			
209. Penalty for second offences			✓	
<b>PART IX PEDLARS, HAWKERS AND HUCKSTERS</b>				
210. Licensee to trade as pedlar, hawker and huckster			✓ Amend to cover “vendors” as they are not presently covered under the section	
211. Duration of licenses	✓			
212. Register of licences			✓ Amend to delete “book” and substitute “record”	
213. Alteration of fees	✓			
214. Requisition for licence	✓			
215. Evidence			✓ Amend to review all fines	Proposals for new fines to be developed
216. Form of licence	✓			
217. Change of abode of licence			✓ Amend to review all fines	Proposals for new for fines to be developed
218. Forgoing or counterfeiting licence	✓			
219. Huckster’s name to be on box, etc.			✓ Amend to require all licences to be on display on the licensee	

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
220. Who may lay information			✓ Municipal Police should be empowered to issue tickets	
<b>PART X BYE-LAWS, RULES, AND REGULATIONS</b>				
221. Bye-laws for good government of a Corporation (1) (2)	✓		✓ Amend the “prescribed number of members of Council” to now read “Chairman/Mayor who can decide within reason	
222. Penalty for breach of Bye-laws			✓ Amend to review all fines	
223. Bye-laws to be confirmed by the President. Publication of Bye-laws in <i>Gazette</i>	✓			
224. Bye-laws may apply to whole or part of Municipality	✓			
<b>PART XI LEGAL PROCEEDINGS</b>				
225. Recovery of penalties			✓ Provision should be made for complaints or	



Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
Complaints or information may be made or laid by officers of the Council duly authorised			matters to be expedited by the Magistrate	
226. Penalties for offences not otherwise provided for. Continuing offence	✓			
227. Procedure in Penal actions against corporate officers	✓			
228. <i>Quo warranto and mandamus</i>	✓			
229. Recovery of expenses from owners.			✓ Make recovery of expenses easier to rid of public nuisances	
230. Certified copies of documents to be <i>prima facie</i> evidence thereof.	✓			
231. Procedure for enforcing powers of entry	✓			
<b>PART XII MISCELLANEOUS FUNCTIONS</b>				
232. Additional functions			✓ Include in paragraphs (c) and(f) the word “development”  Include in paragraph (h) to include schools, community centres and sporting facilities under the purview of the Municipal Corporations	

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
			It is recommended that a provision similar to section 25(2)(a)(b) and (c) for the Tobago House of Assembly Act be included to deal with disaster management	
<b>PART XIII ASSOCIATION OF LOCAL GOVERNMENT CORPORATIONS</b>				
233. Association of Local Government Corporations			✓	232(1) Should this be Trinidad or Trinidad and Tobago?
234. Chairman and Executive Committee of Association			✓	Should all Mayors be included in the executive?
235. Code of ethics				
<b>PART XIV DISCIPLINARY PROCEEDINGS</b>				
236. Repealed by Act No.8 of 1992				
237. Repealed by Act No.8 of 1992				
238. Repealed by Act No.8 of 1992				
239. Repealed by Act No.8 of 1992				
240. Repealed by Act No.8 of 1992				
241. Repealed by Act No.8 of 1992				
242. Repealed by Act No.8 of 1992				
243. Repealed by Act No.8 of 1992				
244. Repealed by Act No.8 of 1992				
245. Repealed by Act No.8 of 1992				

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
246. Repealed by Act No.8 of 1992				
247. Repealed by Act No.8 of 1992				
248. Repealed by Act No.8 of 1992				
249. Repealed by Act No.8 of 1992				
250. Repealed by Act No.8 of 1992				
251. Repealed by Act No.8 of 1992				
252. Repealed by Act No.8 of 1992				
<b>PART XV REGIONAL CO-ORDINATING COMMITTEES</b>				
253. Co-ordinating Committee		✓		It was felt there was no need to legislate for the Committee
254. Power to establish own procedure			✓ Amend to make the CEO the Secretary to the Committee	
<b>PART XVI GENERAL PROVISIONS</b>				
255. Form, authentication, and service of notices, etc.	✓			
256. Power to attach conditions to consent (1) (2)	✓		✓ Amend to include an agent authorised by the Corporation . “agent” to be defined.	
257. Misnomer or misdescription	✓			
258. Statutory increase (1)				Clarification required

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
(2)				
259. Remission of statutory increase	✓			
260. Computation of time	✓			
261. Authentication of licence. (1) (2)			✓ Include spirituous licences ✓ Review fine	✓ Proposals for fines to be determined
262. Power to withhold, suspend, or revoke licence	✓			
263. Execution of works on default of owner	✓			
264. Charges on premises to be preferential to other encumbrances	✓			
265. Apportionment of expenses of works between different owners.	✓			
266. Plans, etc., deposited to become property of Corporation	✓			
267. Powers conferred by written law to be cumulative	✓			
268. Schedules powers to alter or amend	✓			
269. Government policy directions	Remove reference to specific directions	✓ -There will be no line Minister		
270. Power to investigate		✓ There will be no line Minister		
271. Power of President to dissolve a Council and appoint a Commissioner (1) (2) (3)	✓	✓ This subsection may not be	✓ The period of 2 years is too long to be without Council.	Suggestion of time frame to be determined

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
(4)	✓	necessary if an amendment is made to subsection (2)		
272. Continuation of collective agreements and union representation	✓			
273. Extension of term of office of serving members		✓		Is the information in this section spent?
FIRST SCHEDULE – LIST OF CORPORATIONS CONTNUED UNDER THIS ACT.	✓			
SECOND SCHEDULE – LIST OF MUNICIPAL CORPORATIONS ESTABLISHED UNDER THIS ACT.	✓			
THIRD SCHEDULE – NUMBER OF COUNCILORS AND ALDERMEN TO BE ELECTED TO THE COUNCIL OF EACH CORPORATION.	✓			
FOURTH SCHEDULE DECLARATION TO BE MADE BY PERSON ELECTED TO A CORPORATE OFFICE.	✓			
FIFTH SCHEDULE – WARRANT.	✓			
SIXTHSCHEDULE – FORM A (ASSESSMENT RETURN)	✓			

Section in MCA	Section to be kept	Section to be deleted	Section to be kept and amended	Issues to be resolved
FORM B (COMPLETION OF HOUSE RATE BOOK)				
SEVENTH SCHEDULE – PAVING OF FOOTWAYS.	✓			
EIGHT SCHEDULE – CONTINUATION OF EXISTING LAWS.		✓		
NINTH SCHEDULE – FORM A (REMOVAL OF HOUSE – NOTICE BY OWNER OF HOUSE). FORM A (REMOVAL OF HOUSE – NOTICE BY OWNER OF LAND).	✓	✓ Delete Form B		
TENTH SCHEDULE – WARRANT FOR ENTRY ON PREMEISES.	✓			
ELEVENTH SCHEDULE – EXAMPLE OF CALCULATION OF ALLOCATION OF ALDER MEN FOR MUNICIPALITY.	✓			